

24 SEPTEMBER 1947

I N D E X
Of
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
OBATA, Tadayoshi (resumed)	29144
Direct (cont'd) by Mr. G. Williams	29144
Cross by Brigadier Quilliam	29153
Redirect by Mr. G. Williams	29159
(Witness excused)	29160
OSHIMA, Hiroo	29181
Direct by Mr. G. Williams	29181
Cross by Mr. SHIOBARA	29187
(Witness excused)	29187
MURAKAMI, Hajimu	29188
Direct by Mr. G. Williams	29188
(Witness excused)	29192
INADA, Shuichi	29196
Direct by Mr. G. Williams	29196
Cross by Brigadier Quilliam	29202
(Witness excused)	29203
SAITO, Yoshie (recalled)	29241
Direct by Mr. Warren	29241
(Witness excused)	29244
MURATA, Goro	29245
Direct by Mr. Warren	29245
(Witness excused)	29250

24 SEPTEMBER 1947

I N D E X
of
WITNESSES
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
SHIOTA, Hiroshige	29251
Direct by Mr. Warren	29251
(Witness excused)	29253
OKADA, Keisuke (recalled)	29255
Direct by Mr. Warren	29255
Cross by Mr. Keenan	29274

24 SEPTEMBER 1947

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2551		3215	Book entitled "Reports on Japan- ese-Manchukuo-China Economic Round Table Conference	29154	
2551-A		3215-A	Excerpt therefrom - Speech of HOSHINO, Naoki, Chief of General Affairs, State Affairs Board, Manchukuo, dated 3 December 1938		29159
755	2797-A		Paragraph B, page 7 - The New Economic Structure (Keizai Shin Taisei) and Major Industries Association Ordinance	29164	
1930-A	3216		Affidavit of USHIBA, Tomohiko	29167	
1930	3216-A		The Change of Cabinet Ministers Related to Economic Affairs (April 3, 4)	29168	
2522	3217		Affidavit of OSHIMA, Hiroo	29182	
			<u>MORNING RECESS</u>	29186	
2598	3218		Affidavit of MURAKAMI, Hajimu	29188	

24 SEPTEMBER 1947

INDEX

Of

EXHIBITS

(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
2144	3219		Organization on the Offices and Officials Attached to the Cabinet (1st October 1941) Imperial Ordinance No. 307 -		29193
2590	3220		Affidavit of INADA, Shuichi		29196
2422	3221		The Regulations of the Decoration Conference - Imperial Ordinance No. 115 - dated 10 November 1893		29209
1500-A-7	3222		Telegram sent by Ambassador Grew from Tokyo, dated 18 May 1939		29209
1500-B-7	3223		Telegram to Eugene H. Dooman, American Charge d' Affairs ad interim, in Tokyo, dated 8 July 1939		29212
1500-C-7	3224		Telegram reply from the President of the United States to the Accused HIRANUMA		29217
1500-D-7	3225		Letter to the Secretary of State of the United States from Eugene H. Dooman, Charge d' Affairs ad interim, in Tokyo, dated 7 June 1939		29218
			<u>NOON RECESS</u>		29223

24 SEPTEMBER 1947

INDEX

of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pres.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2420	3226		Affidavit of Major-General Francis Stewart Gilderoy Piggott, C.S., D.S.O., Colonel Commandant, Royal Engineers		29232
2558	3227		Affidavit of SAITO, Yoshie		29242
2595	3228		Affidavit of MURATA, Goro		29247
			<u>AFTERNOON RECESS</u>		29257
2535	3229		Affidavit of OKADA, Keisuke		29258
2423	3230		Letter to His Excellency, Prince KONCYE, dated 13 August 1943 from OKADA, Keisuke		29272

24 SEPTEMBER 1947

INDEX

of

EXHIBITS

(cont'd)

<u>Doc.</u> <u>No.</u>	<u>Def.</u> <u>No.</u>	<u>Pros.</u> <u>No.</u>	<u>Description</u>	<u>For</u> <u>Ident.</u>	<u>In</u> <u>Evidence</u>
2420	3226		Affidavit of Major-General Francis Stewart Gilderoy Piggott, C.S., D.S.O., Colonel Commandant, Royal Engineers		29232
2558	3227		Affidavit of SAITO, Yeshie		29242
2595	3228		Affidavit of MURATA, Goro		29247
			<u>AFTERNOON RECESS</u>		29257
2535	3229		Affidavit of OKADA, Keisuke		29258
2423	3230		Letter to His Excellency, Prince KONCYE, dated 13 August 1943 from OKADA, Keisuke		29272

LANGUAGE CORRECTIONS

24 September 1947

The following corrections are in a part of the Exhibits not read into the Transcript.

Exhibit 3145-A, Record Page 27,994, Annex No. 1, page 2, lines 9 to 11, delete the three lines and substitute "The draft is a revised draft made by Army-Navy officials concerned."

"The red letters are a revised draft by the Foreign Office."

Exhibit 774-A, page 8, paragraph No. 6, line 2, substitute "is" for "exists in". Line 3, substitute "against the" for "and an anti-"; delete "Russia policy". Line 4, substitute "Hsinchiang" for "Inner". Line 7, delete from "these" to "bounds of". Line 8, after "China" insert "should be within these bounds". Line 14, substitute "certainly" for "not only"; substitute "and" for "but". Line 15, substitute "real intention" for "sincerity". Line 16, after "will" insert "also".

Language Arbitration Board

Wednesday, 24 September 1947

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE R. B. PAL, Member
from India, not sitting from 0930 to 1600 and HONORABLE
JUSTICE HENRI BERNARD, Member from the Republic of
France, not sitting from 1335 to 1445.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

G
r
e
e
n
b
e
r
g
&
B
a
r
t
o
n

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: With the Tribunal's permis-
4 sion, the accused KAYA will be absent from the court-
5 room for the whole of the morning session conferring
6 with counsel.

7 Mr. Williams.

8 TADA YOSHI OBATA, called as a witness
9 on behalf of the defense, resumed the stand and
10 testified through Japanese interpreters as
11 follows:
12

13 MR. G. WILLIAMS: May it please the Tribunal,
14 I shall continue reading the affidavit of the witness
15 OBATA, exhibit No. 3214, continuing on the middle of
16 page 2:

17 "On July 22, 1940, Mr. HOSHINO was appointed
18 President of the Planning Board and Minister Without
19 Portfolio in Prince KONOYE's Second Cabinet, and I
20 was appointed Vice President of the Board in August
21 of that year. The reason I was brought into the
22 Planning Board was to analyze, from a businessman's
23 point of view, the various production figures in the
24 impractical plans then being used. Mr. HOSHINO and
25 I soon found out how impractical most of these plans

1 were. It was a difficult position to be in for the
2 China war was constantly expanding, with no termina-
3 tion in sight, and the United States soon began to
4 ban certain exports to Japan. This added greatly to
5 our economic difficulties and so we had to shift
6 plans in order for Japan to meet her needs with what
7 she had. The Planning Board could make plans and
8 recommendations only. The final decision was always
9 made by the Cabinet and executed by the various
10 ministries.

11 "The Planning Board had, as part of its busi-
12 ness, formerly made plans" -- and recommendations
13 should be there -- "for the allocation of the foreign
14 exchange which Japan obtained by her exports, but our
15 foreign exchange shrunk rapidly. Since Japan could
16 not get new materials, the Board had to devise new
17 means of getting by with what was available and so it
18 turned to the plan for the Expansion of Productive
19 Power which had been set up in January, 1939. Coun-
20 sel has shown me exhibit 842" -- and I ask that the
21 witness be shown part 3 of that exhibit.

22 (Whereupon, a document was handed
23 to the witness.)

24 (Reading continued) -- "and this document
25 contains that plan." Prosecution agrees that that is

1 the document. It is correct.

2 "This was another impractical plan which we
3 had to constantly revise in the face of changing
4 circumstances. The changes were made necessary pri-
5 marily by the fact that production was decreasing as
6 our supplies of steel scrap, oil, machine tools,
7 aluminum and other items from the United States were
8 diminishing. Accordingly, it was necessary to find
9 new sources of those raw materials and products, and
10 the plan for Expansion of Productive Power was the
11 only way to do it. Japan was weak economically and
12 the Planning Board had to devise some means of meet-
13 ing the demands put on it by the Army, Navy and
14 civilian sources.

1 "Japan was still importing some materials
2 from the United States and the Netherlands East Indies,
3 but these were insufficient for her current needs.
4 What it was planned to receive from them or any other
5 outside source, was the normal amount of peacetime im-
6 ports and all the planning was based on a continuation
7 of such imports only. The only warfare which was con-
8 sidered in making plans was that going on in China, and
9 neither Mr. HOSHINO nor I knew how much the Army and
10 Navy required for use there. The uses to which they
11 put the materials they demanded were kept entirely
12 secret. If we had had in mind any future war, such as
13 the Pacific War, in making our plans, those plans would
14 have been of a very different nature from the ones we
15 followed. The object of the Plan of Expansion of Pro-
16 ductive Power was to turn out producers' goods for those
17 most necessary items cut off from Japan by the export
18 bans of foreign countries, and to attempt to balance
19 the industries. The heavy industry in Japan was far in-
20 ferior to the light industry and needed a great deal of
21 developing to bring the economy into any kind of a well
22 balanced relationship. By the Plan of Expansion of Pro-
23 ductive Power the direct purpose was not to increase the
24 amount of steel and other items, but the ability to pro-
25 duce them. The end of the plan was set for March of

1 1942 on paper. but we knew no definite accomplishment
2 could be realized by that time. At that time there
3 was no particular division of the Planning Board having
4 sole charge of this Plan, so it was to be handled tem-
5 porarily by the Fifth Division, which had formerly made
6 allocations of foreign exchange and other funds which
7 had dwindled so much.

8 "As I said before, at this time the demands of
9 the Army and Navy were very great. However, Mr. HOSHINO
10 and I tried to cut down the military allocations in
11 favor of civilian goods and the Plan for Expansion of
12 Productive Power. The Army and Navy got first priority
13 but we always succeeded in reducing the allocations
14 which they demanded by a large per cent and they never
15 actually got the full allocation because of material
16 shortages. There was a great deal of difficulty and
17 argument over these allocations and although they were
18 supposed to be decided by April of each year, I remember,
19 when I joined the Planning Board that the allocation had
20 already been deferred from April to early in July, and
21 when I resigned in April of the next year, the author-
22 ities concerned had been able to reach no agreement on
23 allocations for the 1941 giscal year.

24 "Next I shall speak about the new economic
25 structure. Counsel has shown me exhibit 865, which

1 contains the plan. The detailed plan was prepared by
2 some of the young officials of the Planning Board. Mr.
3 HOSHINO took this plan in the autumn of 1940 and pre-
4 sented it to the Economic Ministers of the Cabinet.
5 They expressed considerable opposition to the plan,
6 especially Mr. KOBAYASHI, the Minister of Commerce and
7 Industry. Mr. HOSHINO agreed that it should be changed.

8 The Economic Ministers of the Cabinet wanted the plan
9 changed so that it would be more in favor of a laissez-
10 faire economy. For instance, the original plan pro-
11 vided that large economic organizations were to take
12 over all industries and run them efficiently, weeding
13 out the small and inefficient business concerns. Mr.
14 KOBAYASHI wanted the government to help the small bus-
15 iness men instead, and Mr. HOSHINO agreed with him. I
16 do not have a copy of the original plan and I do not
17 know where one can be found, since it was not adopted.
18 I shall relate some of the changes made by Mr. HOSHINO
19 and the other Economic Ministers, as I remember them,
20 after many negotiations.

21 "1. There were added to the original plan the
22 words 'to stabilize the welfare and well-being of the
23 people', or words to that effect, to the aims set out
24 in the plan. This was to act as a check on the too
25 great emphasis on a synthetic and planned economy and

1 was a check on any radical change, being more in favor
2 of maintenance of the status quo."

3 For the information of the Tribunal, this plan
4 is on page 41 of 865.

5 "2. In paragraph 3 of Section II, the plan
6 originally read: 'enterprise must by separated or com-
7 bined' instead of 'may be separated or combined.' I
8 have underlined the work in the original plan which
9 was changed.

10 "3. In paragraph 4 of Section II the original
11 plan read: 'medium and small enterprises shall be ad-
12 justed and unified.'

13 "4. In Section III, entitled "Economic Organ-
14 izations', paragraph (a) (2) originally read: "Economic
15 organizations shall be operated under the guidance of
16 the one-leader principle.' In short, the final plan on
17 which Mr. KOBAYASHI and Mr. HOSHINO concurred was a re-
18 versal of the original plan in many points.

19 "After these changes had been made by Mr.
20 HOSHINO and the other Economic Ministers of the Cabinet,
21 the plan became substantially as it reads now and was
22 finally approved by the Cabinet. The Planning Board had
23 nothing to do with the execution of the plan which had
24 to be done by the Commerce and Industry Ministry. The
25 new economic plan looked to a partial transfer of con-

1 trol of industry from the government to the business
2 men of the control associations so that under the plan
3 there would be less government control than formerly.

4 "The Planning Board's aim under the more and
5 more difficult conditions of the time was a self-
6 sufficient economy for Japan, pointing to a bloc
7 economy relationship with Manchukuo and China. Japan
8 was to be the center of the highly developed industry
9 because it was more advanced in those lines. Manchukuo
10 and China would emphasize the raw material and basic
11 industries. The industries in North China and Man-
12 chukuo were included in the planning because these had
13 been included in the economic plans for the past several
14 years, being already integrated with the Japanese economy.
15 Japan, China and Manchuria under the circumstances then
16 prevailing, from the point of view of natural resources
17 and production techniques, are interdependent and they
18 did not seem to be prosperous without each other's co-
19 operation.

20 "Next I shall speak about the population policy,
21 which is also contained in exhibit 865. At this time
22 the percentage of population increase in Japan was de-
23 clining due to the change in social conditions in Japan
24 and the war in China. In its execution the plan pre-
25 supposed a state of peace and was aimed at the year 1960.

1 Its real effects would not have been seen until that
2 time. Furthermore, one of its immediate effects would
3 be a decrease in the labor supply, since the plan aimed
4 at the encouragement of marriage and restriction of em-
5 ployment of women over twenty years of age, and this
6 meant a decreasing number of women laborers in the
7 factories. It was a paper plan, which was very visionary.

8 "The plan was prepared in the Welfare Ministry
9 and was to be carried out by that Ministry. At that
10 time it was the custom for such plans to be explained
11 by the Planning Board, wherever they might have been
12 proposed. Mr. HOSHINO did not show much interest in the
13 population plan, although I believe he gave some expla-
14 nation of it, nor did he express any opinion on it to me.

15 "Mr. HOSHINO gave his resignation to Prince
16 KONOYE in early April of 1941. Five days later, in ac-
17 cordance with the usual custom, I tendered my resignation
18 to the new President of the Planning Board and it was
19 accepted.
20

21 Signed "Tadayosho OBATA."

22 You may cross-examine.
23
24
25

THE PRESIDENT: Brigadier Quilliam.

CROSS-EXAMINATION

BY BRIGADIER QUILLIAM:

Q Witness, I want to refer to that part of the second paragraph on page 2 of your affidavit in which you state that the China Incident was a disappointment to HOSHINO and he wanted it terminated as soon as possible. Did HOSHINO always hold that opinion?

A Yes, he did.

Q Have you any knowledge of a speech made by him on any occasion in which he expressed approval of the China Incident?

A I have no recollection.

Q Do you know of the Japan-Manchukuo-China Economic Council?

A Yes, I do.

Q Were you a member of that council?

A The council met often, but I do not remember. I was a member of the council at times.

Q Do you mean that you were a member and attended some of its meetings?

A There having been held various conferences of the kind referred by you frequently, I think I attended some conferences of that nature, but I have

1 no clear recollection as to whether or not the con-
2 ference I attended was the one referred to by you.

3 Q My question was general. I wanted to know
4 whether you had attended any of the conferences.

5 A In view of my position, I think I was at one
6 or another conference of that kind.

7 Q Yes; as I would expect, it was a very import-
8 ant economic organization, was it not?

9 A I think it was an important conference.

10 Q And the proceedings of the conferences or
11 meetings were published in a book, were they not?

12 A I've forgotten.

13 BRIGADIER QUILLIAM: May it please the Tri-
14 bunal, I offer for identification IPS document No.
15 2551 which is a book entitled "Reports on Japanese-
16 Manchukuo-China Economic Round Table Conference."

17 CLERK OF THE COURT: Prosecution document No.
18 2551 will receive exhibit No. 3215 for identification.

19 (Whereupon, the document above
20 referred to was marked prosecution exhibit
21 No. 3215 for identification.)

22 BRIGADIER QUILLIAM: May that exhibit be
23 handed to the witness, please?

24 (Whereupon, a document was handed
25 to the witness.)

1 Q Now you see the book, witness. Can you not
2 recognize it as what I have described it as being?

3 A I do not recall ever having seen this book
4 before.

5 Q I see. Well, now, will you turn to page
6 347 of the book. You observe there that there is
7 a report of a speech made by HOSHINO at the confer-
8 ence at Hsinking on the 3rd of December, 1938; is
9 that so?

10 A I do not know when the speech was made, but
11 there is a speech by Mr. HOSHINO appearing in this
12 publication.

13 Q Well, I am informed, witness, that it is
14 shown there that it was delivered on the 3rd of
15 December, 1938, but that is not very important at
16 the moment. Now I want to read you part of that
17 speech.

18 Perhaps the Language Section could identify
19 it for the witness. I have indicated the portions
20 of the section.

21 A Yes, I have found the passage.

22 Q I will read it.

23 (To the Tribunal) I understand there will be
24 simultaneous translation of it, your Honor.

25 "'Looking back upon our East Asia in the

1 past, although it occupies an area equivalent to a
2 little less than one-tenth of the total land area
3 of the world and has a population reaching a little
4 over one-fourth of the world's total population, it
5 seems to have been vainly wandering in the dark.

6 "However, the trend of the Orient to re-
7 store her proper position in world civilization is
8 now at its climax, driving away the evil clouds of
9 many years.

10 "The bell for the awakening of East Asia was
11 sounded, I think, long ago in the Meiji Restoration
12 of the Japanese Empire. And its first step realized
13 on the continent was the Manchurian Incident, the
14 recent China Incident being a development and expan-
15 sion thereof.

16 "In consequence of this, there was first
17 the establishment of Manchukuo, and now the establish-
18 ment of the governments, each new and strong, in
19 North China, Central China, and on the Mongolian
20 Border.

21 "Here we see the revelation of God and hear
22 the voice of Heaven.

23 "Construction of a new East Asia -- this
24 indeed is truly the great duty imposed upon us, the
25 people of East Asia. We must advance towards its

1 fulfillment with the determination to engage our-
2 selves bravely in this duty by staking our eternal
3 lives and honor.'" 4

5 Witness, having read that extract from the
6 speech, do you still assert that HOSHINO was opposed
7 to the China Incident? 8

9 A Yes, I do assert. 10

11 BRIGADIER QUILLIAM: May it please the Tri-
12 bunal, I offer in evidence a full report of that
13 speech appearing in exhibit 3215, which is IPS docu-
14 ment No. 2515A. 15

16 THE PRESIDENT: Mr. Williams. 17

18 MR. G. WILLIAMS: If the Tribunal please, we
19 should like to take objection to this document until
20 we have had time to peruse it and to make a decision
21 as to whether we consider it sufficiently identified.
22 The witness has not identified it, so we should like
23 to take objection until we are properly satisfied as
24 to the correct authentication, and other matters per-
25 taining to the document.

THE PRESIDENT: Technically, he may be right,
Brigadier. It is like handing the witness a letter
that he has never seen before, the writer of which
he doesn't know and the contents of which he doesn't
know. Nevertheless, it is very technical.

1 BRIGADIER QUILLIAM: May it please your Honor,
2 I would not care to oppose vigorously my friend's
3 application, but it did appear to me that a printed
4 book, plainly the product of this important organi-
5 zation which the witness was a member of and could
6 tell the Tribunal about, needed very little more
7 authentication. Whether the witness knew of the
8 speech or not, the fact is that it has probative
9 value of a very high order by being published in a
10 book of that kind.

11 Will you be exhibit No. 3215-A.

12 (Whereupon, the document above
13 referred to was marked prosecution exhibit
14 No. 3215-A and received in evidence.)

15 BRIGADIER QUILLIAM: May it please the
16 Tribunal, I have no further questions.

17 THE PRESIDENT: Mr. Williams, do you want
18 the witness? Do you want to re-examine?

19 MR. J. WILLIAMS: Yes I ask for just a
20 moment for consultation, your Honor.

21 PROSECUTION EXAMINATION

22 MR. J. WILLIAMS:

23 Q. Witness, you have spoken of the disappoint-
24 ment of Mr. HOSHINO. Was that his personal opinion?

R
e
i
c
h
e
r
s
&
Y
e
l
d
e
n

1 THE PRESIDENT: There is very little doubt
2 about it, Mr. Williams, and why should we delay in
3 resolving a doubt which we are certain must be re-
4 solved?

5 We will admit it on the usual terms and that
6 will mean that if you can attack the authenticity of
7 the book you may do so later.

8 BRIGADIER QUILLIAM: May it please the
9 Tribunal, the ordinary distribution of the copies
10 will be made.

11 CLERK OF THE COURT: IPS document 2551-A
12 will receive exhibit No. 3215-A.

13 (Whereupon, the document above
14 referred to was marked prosecution exhibit
15 No. 3215-A and received in evidence.)

16 BRIGADIER QUILLIAM: May it please the
17 Tribunal, I have no further questions.

18 THE PRESIDENT: Mr. Williams, do you want
19 the witness? Do you want to re-examine?

20 MR. G. WILLIAMS: May I ask for just a
21 moment for consultation, your Honor?

22 REDIRECT EXAMINATION

23 BY MR. G. WILLIAMS:

24 Q Witness, you have spoken of the disappoint-
25 ment of Mr. HOSHINO. Was that his personal opinion

1 or otherwise as expressed to you?

2 A I heard it directly and frequently from
3 Mr. HOSHINO himself.

4 Q Mr. OBATA, did you attend this particular
5 meeting which was allegedly held in Hsinking in 1938?

6 A I did not attend.

7 MR. G. WILLIAMS: If the Tribunal please, we
8 have no further questions of this witness. I should
9 like, however, to reserve the right to read any ex-
10 cerpts from the publication which has been introduced
11 into evidence inasmuch as with this brief notice
12 given to us on this document we cannot tell whether
13 the excerpt has been taken from context or otherwise.

14 THE PRESIDENT: Your rights will be fully
15 protected.

16 MR. G. WILLIAMS: That was one reason why I
17 made my original objection.

18 We ask that the witness be released on the
19 usual terms.

20 THE PRESIDENT: He is released accordingly.

21 (Whereupon, the witness was excused.)

22 MR. G. WILLIAMS: To further explain the
23 conflict between the different schools of thought in
24 the government concerning the new economic structure,
25 we should like to read a brief excerpt from exhibit

1 2797, beginning with paragraph B-1 on page 7 and
2 reading to the end of the page:

3 "1. The 'New Economic Structure'"--

4 THE PRESIDENT: Brigadier Quilliam.

5 BRIGADIER QUILLIAM: May it please the
6 Tribunal, my friend and I are not in agreement as to
7 whether this portion of this exhibit was admitted when
8 the document was produced as an exhibit.

9 THE PRESIDENT: He could tender any part
10 not admitted.

11 BRIGADIER QUILLIAM: May it please your Honor,
12 the difficulty arises in this way. Your Honor referred
13 to seven and a quarter pages of this exhibit being
14 admitted. With the greatest respect, your Honor, I
15 suggest, meant six and a quarter, and that is demon-
16 strated, I suggest, conclusively by the fact that when
17 Mr. Logan came to the end of six and a quarter pages
18 he stopped reading from the document and said -- I am
19 quoting from the transcript: "I am sorry I cannot
20 read the rest of that document." He continued: "I
21 think it is very informative to the Tribunal, but the
22 ruling has been made."

23 THE PRESIDENT: What page of the transcript
24 is that, Brigadier? I will look it up; I cannot recall
25 a word of it.

1 BRIGADIER QUILLIAM: The relevant page
2 of the transcript is 25,090, and what I have just
3 read appears on page 25,101.

4 THE PRESIDENT: It looks as though Mr. Logan
5 did not regard that part as admitted, so formally
6 tender it and then we can debate whether it should be
7 received.

8 MR. G. WILLIAMS: If your Honor please, at
9 that time I noted Mr. Logan's error but I did not
10 call it to his attention. The ruling of the Court
11 had been made and I fully intended to go ahead and
12 read this excerpt in the individual case.

13 THE PRESIDENT: Probably he thought I said
14 six and a half; perhaps I did, but I am reported as
15 saying seven and a half. I must say the reporting
16 here is most accurate.

17 MR. G. WILLIAMS: I recall your Honor's
18 words and I can vouch for the accuracy of the record
19 on this point because I was paying close attention.

20 BRIGADIER QUILLIAM: There is no doubt, if it
21 please your Honor, about the accuracy of the record,
22 but the whole argument on the objection to the admissi-
23 bility of the document shows that your Honor meant
24 to say six and a quarter but your Honor said seven and a
25 quarter.

1 THE PRESIDENT: We must take the record as
2 correct, Brigadier, so it looks as though you must
3 tender it again and we must have it debated if there
4 is any objection.

5 BRIGADIER QUILLIAM: May it please the
6 Tribunal, I think I am justified in agreeing to this
7 portion being read.

8 MR. G. WILLIAMS: I would like to point out,
9 if your Honor please, that the reason objection was
10 taken originally was because some of this later text
11 referred to the wartime period; however, the part to
12 which I refer refers to 1941 and not to the period
13 of the Pacific War itself.

14 THE PRESIDENT: I am going on what Mr. Logan
15 said. He said that I excluded that and I have no
16 doubt he understood what I excluded although I said
17 seven and a quarter instead of six and a quarter.

18 MR. G. WILLIAMS: I re-offer, if the Tribunal
19 please, this brief excerpt and I am informed the
20 prosecution has no objections. That is the part
21 beginning with paragraph B-1, the following two-
22 thirds of a page to the end of page 7.

23 THE PRESIDENT: It had better bear a letter
24 if not a new number.

25 Admitted on the usual terms. It will be

1 exhibit No. 2797-A.

2 CLERK OF THE COURT: Paragraph E, page 7,
3 defense document 755, will receive exhibit No. 2797-A.

4 (Whereupon, the portion of the docu-
5 ment above referred to was marked defense
6 exhibit No. 2797-A and received in evidence.)

7 MR. G. WILLIAMS: I shall read this excerpt:

8 "1. The 'New Economic Structure' (Keizai
9 Shin Taisei) and Major Industries Association Ordinance.

10 The adoption of the 'New Economic Structure' which was
11 sanctioned by the Major Industries Association Ordinance of 1 September 1941 (see Appendix Ib for the
12 text of the Ordinance) indicates the failure of the
13 Army plan to introduce a drastic program for state
14 regimentation of industry and the transformation of
15 private cartels into public organs directed by govern-
16 ment officials." Omitting the next sentence. "This
17 plan was inherited by the TOJO Cabinet when it entered
18 office on 18 October 1941. Theoretically, under the
19 provisions of the Imperial Ordinance, the former pri-
20 vate cartels had become public organs termed control
21 societies (Tosei-kai) responsible to the Ministry of
22 Commerce and Industry. The powers vested in the
23 Ministry, however, were largely negated by its in-
24 ability to appoint directors of its own choice as heads
25

1 of the control societies. The president of the
2 control society, by the terms of the ordinance, is
3 chosen by a nominating committee of industrialists
4 appointed by the competent minister. In turn, the
5 president chooses the other officers and directors
6 from people experienced in the industry. This commit-
7 tee tended to appoint as presidents of the various
8 control societies the existing presidents of the
9 leading cartels."

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Reading again from exhibit 3212-A, the pros-
2 ecution's interrogation of HOSHINO, beginning with the
3 last paragraph on page 2, under date of 7 February
4 1946, page 18:

5 "Q Did you become a member of the Imperial Rule
6 Assistance Association?

7 "A Well, not in any particular sense but as a
8 member of the Cabinet. I was an advisor of the society.
9 All the Cabinet Ministers were.

10 "Q You were an officer of that association?

11 "A No.

12 "Q Were you on the Board of Directors or any
13 permanent committee?

14 "A Yes, I was a member of the committee. I was
15 called upon to become a member of a committee to study
16 health matters after my resignation. It was for the
17 study of tuberculosis.

18 "Q So that is all you did with that association?

19 "A Yes, that is all.

20 "Page 19:

21 "Q In the spring of 1940, did MATSUOKA go to
22 Germany and Italy?

23 "A Yes.

24 "Q And what was the result of his trip to Germany?

25 "A I had resigned when MATSUOKA came back so I

1 didn't hear -- I don't know the details or the secret
2 details. But the most important result of the trip
3 as a whole was the Russo-Japanese Treaty of Non-
4 Aggression.

5 "Q And that was signed about the middle of April?

6 "A Yes.

7 "Q And was it considered at the Cabinet meeting
8 at which you were present?

9 "A No, I didn't attend such a Cabinet meeting.
10 I had already resigned in April and since I was trav-
11 eling during March I did not attend any of the Cabinet
12 meetings."

13 Our next document is offered to show that the
14 accused HOSHINO was not part of any conspiracy and will
15 show how he was removed from the KONOYE Cabinet on
16 April 3 and 4, 1941. This document consists of notes
17 dictated by Prince KONOYE and is entitled, "The Change
18 of Cabinet Ministers Related to Economic Affairs."
19 First, however, I wish to offer the identifying
20 document, the affidavit of the witness, USHIBA, Prince
21 KONOYE's private secretary. This affidavit is embodied
22 in defense document 1930-A, which I herewith offer in
23 evidence.
24

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1930-A

1 will receive exhibit No. 3216.

2 (Whereupon, the document above re-
3 ferred to was marked defense exhibit 3216 and
4 received in evidence.)

5 MR. G. WILLIAMS: I read the affidavit:

6 "My name is USHIBA, Tomohiko. I reside at
7 No. 79 Iriuda in the city of Odawara. I have pre-
8 viously testified in this case on two occasions
9 concerning the writings of Prince KONOYE, for whom
10 I acted as Private Secretary.

11 "I have been shown defense document No. 1930
12 entitled, 'The Change of Cabinet Ministers Related to
13 Economic Affairs.' I recognize this document to be
14 in the handwriting of ARAYA, Shigeki, Prince KONOYE's
15 Secretary, to whom he habitually dictated the day's
16 happenings in the Cabinet business. It is similar to
17 numbers of other documents of that nature dictated to
18 ARAYA by Prince KONOYE.

19 "Signed: USHIBA, Tomohiko."

20 We next offer the document itself, defense
21 document 1930.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1930
24 will receive exhibit No. 3216-A.

25 (Whereupon, the document above

referred to was marked defense exhibit 3216-A
and received in evidence.)

MR. G. WILLIAMS: I read exhibit 3216-A:

"The Change of Cabinet Ministers Related to
Economic Affairs (Apr. 3, 4)

"After the Diet session, the reshuffling of
the Cabinet became recognized generally as a matter
of common sense. It was said that the Cabinet Ministers
related to economic affairs were the weak point. The
fact was that even if a conference of Cabinet Ministers
related to economic affairs were held, there would
have been no one capable of putting the matter into
shape. Since Mr. HIRANUMA, Minister of Home Affairs
and I were not well-versed in economic affairs, and
since there was no alternative but to select a suitable
person from the outside, I, after consulting with the
Minister of Home Affairs, had to decide on whom to
select. Mr. Seihin IKEDA was thought to be the proper
choice, but he could not be very well drafted because
there were strong objections to him by the reformists.
Mr. Masatsune OGURA of Osaka became the next topic of
our conversation."

I do not read the next two paragraphs.

"Pertaining to the change of other Cabinet
Ministers related to economic affairs, Mr. IKEDA held

1 the opinion that the Finance Minister too must be
2 replaced. Accordingly, Mr. Yadanji NAKAJIMA was
3 suggested for this post. On the other hand, Mr. OGURA
4 claimed that there was no necessity to change the
5 Finance Minister, adding that NAKAJIMA especially
6 was not acceptable. As candidates for Minister of
7 Commerce and Industry, Mr. OGURA suggested HATA and
8 MURATA, and if necessary FUJIWARA. The following
9 names were subjected for the President of the Planning
10 Board: Teiichi SUZUKI, Tatsuo YAMADA, KAYA, AOKI and
11 INO.

12 "With that Mr. OGURA returned to Osaka.
13 March 30 issue of the Tokyo Nichi Nichi Newspaper
14 reported on the conference between OGURA and HIRANUMA
15 and also on OGURA's entrance into the Cabinet. On the
16 following day, the 31st, with the change in the staff
17 of the Sumimoto Honsha, Mr. OGURA's retirement as
18 general director was announced. Under the circum-
19 stances it became urgently necessary to make an
20 announcement. I had the Ministers of War and Navy
21 come to my Ogikubo residence. I told them about Mr.
22 OGURA's entrance into the Cabinet and received their
23 support. After both Ministers had left, I telephoned
24 Mr. OGURA of Osaka. Upon discussing his independent
25 entrance to the Cabinet, he still maintained that he

1 would be distressed if he were not appointed together
2 with the others. He stated that he would arrive in
3 Tokyo the following morning and discuss the matter then."

4 I will omit the first two paragraphs at the
5 top of page 2.

6 "At 2000 o'clock that night, Mr. OGURA visited
7 me and consented to enter the Cabinet alone. He left
8 at 2100 that night. He said that he changed his mind,
9 but the persuasion of Mr. YAMASHITA seemed to have had
10 considerable effect. After Mr. OGURA left, I met with
11 newspaper reporters and told them that this reconstruc-
12 tion was an independent thing. The newspaper apparently
13 construed it to mean that the problem of the change of
14 Cabinet Ministers relating to economic affairs had
15 been settled for the time being. Accordingly the
16 subsequent change in the Minister of Commerce and the
17 President of the Planning Board was a complete surprise.

18 "On April 2, I made a confidential report to the
19 Emperor and at 1430 o'clock of the same day the inves-
20 titure of OGURA as Minister of State was held by His
21 Majesty. OGURA left that night for Osaka for the purpose
22 of reporting on his recent appointment at the Imperial
23 Mausoleum. When I conferred with OGURA as to the
24 possible choice of Teiichi SUZUKI as President of the
25 Plenning Board, which position must be filled by a

1 person who knows about the commodity mobilization plan
2 and also the inner workings of the Army and who must
3 be a forceful person, he expressed his approval.

4 "At 2030 o'clock of the 2nd, the day of Mr.
5 OGURA's investiture, I called Lt. Gen. SUZUKI to my
6 Ogikubo residence and proposed his appointment to
7 the presidency of the Planning Board. Lt. Gen. SUZUKI
8 replied it would be all right with him, but the Navy
9 might object. Asserting that the balance of power
10 between the Army and Navy would surely become a
11 problem, he said he could not decide this matter him-
12 self and showed some disapproval. His point of view
13 was indeed justified.

14 "On hearing this, a thought suddenly occurred
15 to me. Then I should select the Minister of Commerce
16 from the Navy and appoint Vice Navy Minister TOYODA
17 as Minister of Commerce and Industry.

18 "This was the sudden thought which occurred
19 to me from hearing Lt. Gen. SUZUKI's story. To be sure,
20 I had the following preliminary data showing that Vice
21 Navy Minister TOYODA was qualified for the suggested
22 post:

23 "1. The story that Vice Minister TOYODA,
24 at the conference of Vice Ministers, once argued down
25 the Vice Minister of Commerce and Industry on the

1 problem of iron and coal.

2 "2. According to Baron Bunkichi ITO, Mr.
3 Hachisaburo HIRAO had Vice Minister TOYODA in mind
4 as his successor for the post of the President of the
5 Nippon Iron Manufacturing Company. On top of the fact
6 that Mr. TOYODA was not altogether an amateur in
7 commercial and industrial administration, his appoint-
8 ment as the Minister of Commerce would make the follow-
9 ing matters possible:

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

K
a
p
l
e
a
u
x
D
u
a
1

1 "(1) The character of the Ministry of
2 Commerce and Industry as a Munitions Ministry would
3 become clear. This, together with the Planning Board
4 headed by President SUZUKI would mark and advance
5 toward the perfection of the national defense structure.

6 "(2) The balance of power between the army
7 and navy would be maintained.

8 "(3) As for Mr. KOBAYASHI, Minister of Com-
9 merce, he would lose face if he were replaced by a
10 businessman or a young bureaucrat. (Actually there
11 were no suitable persons among the businessmen and
12 bureaucrats.) However, if his successor came from
13 the military, looking at it entirely from the demand
14 for transformation of the ministry into a Munitions
15 Ministry, the matter of prestige for him would be
16 dissolved. These and many other things could be enu-
17 merated. When I mentioned this to Lt. General SUZUKI,
18 he said this was a capital idea and said he would also
19 mention it to the War Minister. He left me at 23:00
20 o'clock that night.

21 "When leaving me Lt. General SUZUKI said that
22 should the topic of the conversation leak out, he would,
23 if questioned by newspapermen on tonight's interview,
24 tell them that we discussed various matters pertaining
25 to the East Asia Bureau of the Yokusankai (Imperial

1 Rule Assistance Association).

2 "On April 3, when I met Navy Minister OIKAWA
3 in the waiting room of the Imperial Sanctuary on
4 Emperor JIMMU Day, I discussed this matter with him.
5 The Navy Minister endorsed this as excellent and said
6 that since War Minister TOJO was not there, after
7 conferring with the War Minister, he would again speak
8 about it to me.

9 "After that, upon relating this to KIDO, Lord
10 Keeper of the Privy Seal, in the same waiting room of
11 the Imperial Sanctuary, he also endorsed it.

12 "That day about 14:20 o'clock the private
13 secretary of the Navy Minister informed me on the tele-
14 phone that both the War Minister and Navy Minister
15 would soon call at my OGIKUBO residence. Both ministers
16 arrived at 14:40 o'clock and gave me their replies
17 of endorsement. On this occasion War Minister TOJO
18 suggested that Lt. General SUZUKI be placed on the
19 reserve list and appointed not only as President of
20 the Planning Board but also hold the additional office
21 of Minister of State without Portfolio. I agreed to
22 this suggestion. OIKAWA also stated that Vice-Admiral
23 TOYODA would be placed on the reserve list.

24 "After both the War Minister and the Navy
25 Minister had left at 15:30 o'clock, I telephoned to

1 the Osaka residence of Mr. OGURA, Minister of State
2 without Portfolio, but he was absent, for he had not
3 yet returned from his visit to the Imperial Mausoleum.
4 After a while, at 18:45 of the same day, there was a
5 telephone call from Mr. OGURA and I talked to him about
6 the appointments of Lt. General SUZUKI and Vice-Admiral
7 TOYODA. When I asked for his opinion, Mr. OGURA also
8 heartily endorsed this. Then I reported by telephone
9 the progress of the discussions so far, together with
10 the support of Mr. OGURA, to KIDO, Lord Keeper of the
11 Privy Seal, Minister of Home Affairs HIRANUMA, Navy
12 Minister OIKAWA, and War Minister TOJO.

13 "That night at 23:10, I called Navy Minister
14 OIKAWA by phone and found out that when the Navy
15 Minister conferred with Vice-Minister TOYODA at 20:00
16 that night, the Vice-Minister was much reluctant and
17 requested time to ponder over it.

18 "On the morning of April 4, OKA, Chief of
19 the Bureau of Naval Affairs of the Naval Ministry,
20 came to make an interim report, informing me that it
21 was still difficult to realize. So I requested that
22 the Navy Minister try once more to persuade Mr. TOYODA.

23 "However, Navy Minister OIKAWA reported to
24 me just prior to the cabinet conference that, although
25 everything would be all right, he wanted the Premier

1 to speak in person. Accordingly, at 11:30 of the same
2 day, I had Vice-Minister TOYODA come to my official
3 residence. Although I spoke to him in person, he did
4 not rep^y in the affirmative, saying that he had no
5 confidence in his ability to hold the post. He wanted
6 to have another day to think it over. Lest the story
7 might leak if another day were taken, I asked him to
8 give me a reply by 18:00 that night.

9 "When the War and Navy Ministers called on
10 me later, they asked me about Mr. TOYODA's reply.
11 When I related the aforementioned matter, the War Minis-
12 ter wanted an answer by 15:00, saying 18:00 would be
13 too late. Since the army had already obtained the
14 consent of Lt. General SUZUKI, and had begun the neces-
15 sary procedure, there was a fear of leakage and there-
16 fore it wanted the navy to expedite the matter. Of
17 course, it was better for me too to have it settled
18 as soon as possible, so we decided to have the Navy
19 Minister persuade Mr. TOYODA once more. I summoned
20 HIRANUMA, Minister of Home Affairs, and requested that
21 he too meet to persuade Vice-Minister TOYODA.

22 "As a result, at 15:00 of the same day, Navy
23 Minister OIKAWA and Vice-Minister TOYODA came to my
24 official residence together. The reply of consent was
25 finally obtained. At that time the Navy Minister said

1 that he would recommend the promotion of Vice-Minister
2 TOYODA to full admiral. I had heard that the Vice-
3 Minister was due for promotion to full admiral that
4 autumn. It seems that since Mr. TOYODA desired much
5 to remain in active service, it was arranged to have
6 him put on the reserve list in exchange for his pro-
7 motion to full admiral.

8 "Since Mr. TOYODA consented, I called and told
9 HOSHINO, President of the Planning Board. He had been
10 already informed beforehand by War Minister TOJO. It
11 was quickly settled. On the part of Minister of Com-
12 merce and Industry KOBAYASHI, various rumors were cir-
13 culated among the people. Since there were rumors
14 that he might refuse to resign, I had Mr. Akira KAZAMI
15 come to the Japanese room of my residence and told him
16 the state of things so far and had him go to Minister
17 of Commerce and Industry KOBAYASHI.

18 "Upon hearing that his successor was Vice-
19 Minister TOYODA of the Navy, Mr. KOBAYASHI gladly
20 entrusted his resignation to Mr. KAZAMI, explaining
21 that the choice suited him, although he would not
22 consent if the choice were Mr. FUJIWARA. The matter
23 was settled in about 20 minutes and Mr. KAZAMI returned.

24 "Accordingly, after inquiring as to the con-
25 venience of the Imperial Court, I went to the Imperial

1 Palace at 17:30 and unofficially reported to His
2 Majesty the proposed appointments. Having received
3 the Imperial sanction, I announced this at once. At
4 20:00 of the same day, the investiture ceremony for
5 Mr. TOYODA as Minister of Commerce and Industry and
6 Mr. SUZUKI as President of the Planning Board was held.

7 "Supplementary News.

8 "Since this reorganization was effected in
9 absolute secrecy, the public was completely surprised
10 when the announcement was made.

11 "It was because it had materialized in such
12 a short time. Another reason was, with the appoint-
13 ment of Mr. OGURA as Minister without Portfolio, the
14 supposition became stronger that the change of the
15 Minister of Commerce and Industry, President of the
16 Planning Board and others would be executed gradually
17 in accordance with Mr. OGURA's opinion. Due to the
18 fact that April 3 was a press holiday, the attention
19 of the press was not as sharp as it was on other days.
20 This also had some influence.

21 "I understand that when the announcement was
22 made after the Prime Minister met in private with the
23 Emperor, the newspaper reporters said, 'We were beaten.'
24 It was exactly so.
25

"On the morning of the fourth, Maj. Gen.

1 Tsukimi AKINAGA, who was an investigator of the Plan-
2 ning Board and became the section chief under new Presi-
3 dent SUZUKI, came to INADA, Chief of General Affairs
4 Section of the Cabinet, and indignantly said, 'Presi-
5 dent HOSHINO is willing to resign. Why should persons
6 like KOBAYASHI be allowed to stay in office to dilly
7 dally? Under the circumstances there is no alternative
8 but to dismiss him.' I wonder what kind of face Maj.
9 Gen. AKINAGA had when he heard the announcement in the
10 afternoon.
11

12 "When private secretary TAKAMURA was sick in
13 bed, in the afternoon of the 3rd, there was a phone
14 call from the private secretary of the Navy Minister,
15 indicating that the War and the Navy Ministers would
16 like to call on the Premier. He suggested that inquiry
17 be made direct to my private residence. In the evening
18 of the next day, the fourth, Mr. TAKAMURA heard the
19 sound of bells with shouts of newspaper extras. While
20 he was wondering what it could be about, he received a
21 phone call from USHIBA, another private secretary, in-
22 forming him about the Cabinet reorganization. Surprised
23 by this report, he recalled the phone call of the pre-
24 vious day.
25

"Struck with admiration by the brilliant achieve-

1 ment of the reorganization, which they characterized as
2 a stroke of genius, all the newspapers expressed approval
3 of this reorganization and are placing great expecta-
4 tions in the future."

5 We call as our next witness OSHIMA, Hiroo.

6 - - -

7 H I R O O O S H I M A, called as a witness on
8 behalf of the defense, being first duly sworn,
9 testified through Japanese interpreters as follows:

10 DIRECT EXAMINATION

11 BY MR. G. WILLIAMS:

12 Q Witness, will you tell the Tribunal your name
13 and address, please?

14 A My name is OSHIMA, Hiroo. My address is No.
15 81 Honan-cho, Suginami-ku, Tokyo.

16 MR. G. WILLIAMS: May the witness be shown
17 defense document No. 2522?

18 ("Whereupon, a document was handed
19 to the witness.)

20 Q Will you examine that document and state whether
21 or not it is your affidavit?

22 A This is my affidavit.

23 MR. G. WILLIAMS: We offer in evidence defense
24 document No. 2522, the affidavit of the witness OSHIMA.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 2522
2 will receive exhibit No. 3217.

3 ("Whereupon, the document above re-
4 ferred to was marked defense exhibit 3217 and
5 received in evidence.)

6 MR. G. WILLIAMS: Omitting the formal parts,
7 I read the affidavit, beginning on page 2:

8 "1. Around the middle of September of 1940,
9 when I was one of the section chiefs of the Home Min-
10 istry, I was asked by the authorities dealing with per-
11 sonnel in the same Ministry if I would go to the Total
12 War Research Institute which was to be opened soon, and
13 I gave them my consent.

14 "2. The aim and the business of the Institute
15 were just as provided for in the Imperial Ordinance
16 concerning the Total War Research Institute. However,
17 as I understood then, its chief business was rather for
18 the education of the younger people so as to do away
19 with sectionalism then prevailing among government
20 offices and civilian organizations. The idea for the
21 Institute had originated with the 1st KONOE and YONAI
22 Cabinet, but its realization did not occur until KONOE's
23 2nd Cabinet.

24 "3. The Institute was to be opened on October
25 1; however, since my duty was to do miscellaneous

1 business, I went to its office for preparation before-
2 hand. It had no office of its own yet, and rented a
3 small room in the Houses of Parliament Building with-
4 out any desks, chairs, or other business facilities.
5 I had to arrange with some other offices for the use
6 of furnitures necessary for business.

7
8 "4. On the 1st of October, the opening day
9 of the Institute, we for the first time met with Mr.
10 HOSHINO, the acting president of the Institution, but
11 he did not say anything other than that he would leave
12 all matters to us. At that time the staff of the
13 Institution consisted of seven including myself and we
14 were to start the work in this rented office with a
15 clerk, a typist and a telephone operator. However,
16 being without any order or instruction from the Prime
17 Minister, under whose administration the Institute was
18 placed or Mr. HOSHINO, the acting president, we, the
19 staff members, had to study by ourselves what kind of
20 work should be carried on.

21 "5. At the end of October of 1940 the office
22 was removed from the Houses of Parliament Building to
23 one of the houses belonging to the Cabinet, but we were
24 to share this house with other offices for some time.
25 From April 1941, about 35 students entered the Institu-
tion, and in a converted lecture room in this house the

1 lectures were begun. But as the house became too small
2 a new building was erected.

3 "6. As I recollect, the budget of the Institute
4 for the first year of its opening was yen 160,000, which
5 was to be spent in paying Institute personnel and
6 office expenditures. There was no estimate of expendi-
7 tures for the work of the Institute.

8 "7. As the Institute did not, for practical
9 purposes, operate until January of 1941, when Lt. Gen.
10 IIMURA became president, we had no business on which to
11 report to Mr. HOSHINO. During this period he did not
12 visit the Institution at all, gave us no order, instruc-
13 tion or suggestion concerning it, and showed no interest
14 in the work of the Institute. Being embarrassed at such
15 a situation, I had to go to his office twice to ask him
16 for information as to when the president would be selec-
17 ted.

18 "8. About May or June of 1941 Mr. HOSHINO was
19 selected by the Institution as one of the councillors
20 which consisted of 15 or 16 persons; however, the posi-
21 tion of councillor was really nominal and honorary,
22 having no practical work in relation to the Institute,
23 and Mr. HOSHINO as such gave us neither instruction nor
24 suggestion.

25 "9. Lt. Gen. IIMURA was formally appointed

1 the president of the Institution in January 1941;
2 however, he had arrived in Tokyo in November with an
3 informal order to be the future president, and, with
4 the request of the staff of the Institute, he advised
5 us and took over practical leadership. With this, the
6 works of the Institute began to be in a little more con-
7 crete shape. In other words, he started to draft var-
8 ious plans and to make preparations for education. The
9 adoption of the system of the total maneuver in educa-
10 tion was one of the plans thus framed under his guidance
11 at this time.

12
13 "As I was told, the circumstance under which
14 Lt. Gen. IIMURA was picked as the President was that he
15 was well qualified as an educator of young students and
16 had an even temperament. As the president, he proved to
17 be a good educator as we had expected. He once said to
18 me jokingly of his disappointment in holding such a
19 second-rate position.

20 "10. As for the students of the Institute, we
21 admitted from one to four from each Department of the
22 Government proportionately to the number of officials
23 therein, and we also took six or seven from business
24 organizations.

25 "There were some taken from the press among
the latter.

1 the president of the Institution in January 1941;
2 however, he had arrived in Tokyo in November with an
3 informal order to be the future president, and, with
4 the request of the staff of the Institute, he advised
5 us and took over practical leadership. With this, the
6 works of the Institute began to be in a little more con-
7 crete shape. In other words, he started to draft var-
8 ious plans and to make preparations for education. The
9 adoption of the system of the total maneuver in educa-
10 tion was one of the plans thus framed under his guidance
11 at this time.

12 "As I was told, the circumstance under which
13 Lt. Gen. IIMURA was picked as the President was that he
14 was well qualified as an educator of young students and
15 had an even temperament. As the president, he proved to
16 be a good educator as we had expected. He once said to
17 me jokingly of his disappointment in holding such a
18 second-rate position.

19 "10. As for the students of the Institute, we
20 admitted from one to four from each Department of the
21 Government proportionately to the number of officials
22 therein, and we also took six or seven from business
23 organizations.

24 "There were some taken from the press among
25 the latter.

1
2 "11. The Institute personnel were reduced on
3 account of the policy of the simplification of admin-
4 istration at the end of 1942 during the Pacific War,
5 and the Institute, for practical purposes, ceased to
6 operate at the end of 1943, when the third group of
7 students finished their course.

8 "Signed: OSHIMA, Hiroo."

9 You may cross-examine.

10 THE PRESIDENT: We will recess for fif-
11 teen minutes.

12 ("Whereupon, at 1045, a recess was taken
13 until 1100, after which the proceedings were
14 resumed as follows:)

15
16
17
18
19
20
21
22
23
24
25

W
O
l
f
&
L
e
f
f
e
r

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 MR. SHIOBARA: I would like to ask one ques-
4 tion for the defendant KIMURA. I am Counsel SHIOBARA.

5 THE PRESIDENT: Counsel SHIOBARA.

6 CROSS-EXAMINATION

7 BY MR. SHIOBARA:

8 Q Did the defendant KIMURA ever attend a meet-
9 ing of the Total War Research Institute as a councilor?

10 A He has never attended any meeting or gather-
11 ing of the Institute.

12 Q Then, was he a councilor in name only, and
13 did he actually not take part in any of its activities?

14 A Councilor of the Institute, as I have ex-
15 plained in my affidavit, was in name only and did not
16 engage in any activities or business of the organ-
17 ization.

18 THE PRESIDENT: Brigadier Quilliam.

19 BRIGADIER QUILLIAM: There will be no cross-
20 examination, if if please the Tribunal.

21 MR. G. WILLIAMS: We ask that the witness be
22 released on the usual terms.

23 THE PRESIDENT: He is released accordingly.

24 (Whereupon, the witness was excused.)
25

- - -

1 MR. G. WILLIAMS: The defense calls as its
2 next witness MURAKAMI, Hajimu.

3 - - -

4 H A J I M U M U R A K A M I, called as a witness on
5 behalf of the defense, being first duly sworn,
6 testified through Japanese interpreters as
7 follows:

8 DIRECT EXAMINATION

9 BY MR. G. WILLIAMS:

10 Q Witness, would you state to the Tribunal
11 your name and address, please?

12 A My name is MURAKAMI, Hajimu; my address is
13 2314 Midorigaoka, Meguro-ku, Tokyo.

14 MR. G. WILLIAMS: May the witness be shown
15 defense document No. 2598?

16 (Whereupon, a document was handed
17 to the witness.)

18 Q Would you examine that document and state
19 whether or not it your affidavit?

20 A This is unquestionably my affidavit.

21 MR. G. WILLIAMS: We offer in evidence
22 defense document No. 2598, the affidavit of the wit-
23 ness MURAKAMI.

24 THE PRESIDENT: Admitted on the usual terms.

25 CLERK OF THE COURT: Defense document 2598

will receive exhibit No. 3218.

(Whereupon, the document above referred to was marked defense exhibit No. 3218 and received in evidence.)

MR. G. WILLIAMS: Omitting the first two paragraphs, I read the affidavit:

"In July, 1940 (Showa 15) when Mr. HOSHINO, Naoki, took office as president of the Planning Board, I was appointed as secretary to the president. From then until April of the following year, when Mr. HOSHINO resigned from the post of president of the Planning Board, I worked closest to him and then I returned to the Ministry of Finance. I am now working at the Accountants' Bureau.

"Even after resigning from my post as his secretary, at the request of Mr. HOSHINO, I almost always lived at his private house, and took charge of the transaction of his miscellaneous business, collection of materials for his speeches and his discussions, arrangement of his manuscripts, and whatnot.

"Now I will state below what I know directly or from those who were with him about the movements of Mr. HOSHINO during the period between his resignation from the post of president of the Planning Board of the KONOYE Cabinet in April, 1941 (Showa 16) and his

1 inauguration as Chief Secretary of the TOJO Cabinet,
2 in October of the same year.

3 "After his retirement from his office as
4 president of the Planning Board, Mr. HOSHINO spent his
5 days chiefly in reading books, exercises and travels
6 to the provinces.

7 "Those who visited him most frequently at
8 that time were Mr. ISHIWATA, Sotaro, Mr. IRIMANO,
9 Takeo and Mr. OBATA, Tadayoshi, Mr. HOSHINO's intimate
10 friends since his school days. These men visited him
11 as companions in conversations and amusements. Be-
12 sides these people, Mr. KAWAI, Yoshinari, Mr. TAKEUCHI,
13 Tokuji, and Mr. IDE, Norimichi, a painter, came to his
14 house to play tennis with him. These were about all
15 who ever visited him during the period and no visit
16 or contact ever was made by any of the so-called
17 professional politicians. His life was that of un-
18 employment to the letter.

19 "Mr. HOSHINO visited Mr. TOJO only once.
20 Immediately after his resignation, he dropped in the
21 official residence of the War Minister for a courtesy
22 call regarding the resignation. He has never visited
23 Mr. TOJO since then, nor has he ever seen Mr. TOJO at
24 any place outside their homes, nor has he ever talked
25 with Mr. TOJO on the telephone.

1 "As for his local trips it was as he said
2 when he resigned as the president of the Planning
3 Board that 'because of my being away in Manchuria for
4 so long a period there is a necessity thereafter to
5 look about the actual conditions in every field more
6 frequently than ever.' Starting with the trip for
7 Kansai area in April 1941, he made such long trips as
8 going to Hokuyiku, Amanohashidate and Fukuchiyama areas,
9 Shikoku and Okayawa areas, Hokkaido area, Tohoku area
10 and Kobe, Nagoya, Kyoto and so on, which were more
11 often interrupted by short trips such as to Oshima,
12 Gumma Prefecture and the like; so much so that he
13 could hardly find time to rest at his home in Tokyo.
14 Except for the initial trip to Kansai area on which I
15 accompanied him, his trips were as a rule with his
16 daughter or his other family members. In October he
17 planned to come back to Tokyo, after going to Kobe,
18 Kyoto, Nagoya areas, in order to attend the discussion
19 meeting sponsored by the 'Oriental Economist Publish-
20 ing Co., Ltd.,' and from the 19th of the same month on,
21 to go to the northern part of Kyushu and Korea. The
22 previous consultations concerning the date of his
23 start, etc., with Mr. DATE, Muneaki (then serving at
24 the Finance Ministry) who was to go with him, had been
25 already completed. Making use of the few days of his

1 stay in Tokyo, he went on 19 October to the Kabuki
2 Theater together with his family. Just then, around
3 five o'clock PM, at the entrance of the Kabuki Theater,
4 he read an extra reporting 'The Imperial Order Came
5 for Mr. TOJO,' and Mr. HOSHINO for the first time knew
6 the fact. With only the observation, 'Mr. TOJO will
7 have hardships,' he continued seeing the Kabuki play.
8 Then unexpectedly before eight o'clock PM he was called
9 out by loud speaker, and was told to go to General
10 TOJO's residence.

11 "On this account he was obliged to hurriedly
12 cancel his prearranged trips after the 19th.

13 "/S/ MURAKAMI, Hajimu"

14 You may cross-examine.

15 BRIGADIER QUILLIAM: May it please the Tri-
16 bunal, there will be no cross-examination.

17 MR. G. WILLIAMS: We ask that the witness be
18 released on the usual terms.

19 THE PRESIDENT: He is released accordingly.

20 (Whereupon, the witness was excused.)

21 - - -
22 MR. G. WILLIAMS: In order to show the duties
23 of the Chief Cabinet Secretary, we offer decense docu-
24 ment No. 2144, the organization of the officers and
25 officials attached to the Cabinet.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 2144
3 will receive exhibit No. 3219.

4 (Whereupon, the document above
5 referred to was marked defense exhibit
6 No. 3219 and received in evidence.)

7 MR. G. WILLIAMS: I shall read articles 1,
8 2, and 9:

9 "Article 1.

10 "The Cabinet Secretariat and the following
11 three bureaus shall be established in the Cabinet:

12 "The Pension Bureau

13 "The Statistics Bureau

14 "The Printing Bureau

15 "Article 2.

16 "The Cabinet Secretariat shall take charge
17 of the following business.

18 "1. Matters concerning the promulgation of
19 Imperial edicts and decrees, laws and ordinances.

20 "2. Matters concerning the custody of the
21 originals of the Imperial Japanese Constitution, Im-
22 perila Rescripts, Imperial decrees, laws and ordinances.

23 "3. Matters concerning the Examination,
24 drafting, receipt and dispatch of official documents.

25 "4. Matters concerning the appointment,

1 promotion, resignation and status of officials.

2 "5. Matters concerning the personal history
3 of higher officials of every office.

4 "6. Matters concerning the custody of
5 official seals.

6 "7. Matters concerning the editing and
7 preservation of official documents.

8 "8. Matters pertaining to fiscal accounts
9 of the Cabinet.

10 "9. Matters pertaining to the Imperial
11 Rule Assistance Association, and general matters con-
12 cerning the movement to assist the Imperial Rule."

13 Turing to page 6:

14 "Article 9.

15 "The Chief Secretary shall assist the Prime
16 Minister, take charge of confidential documents,
17 manage the general affairs of the Cabinet, superintend
18 officials in the Secretariat and himself handle the
19 appointment, promotion and resignation of officials
20 of Hannin and inferior ranks."

21 By way of contrast, I should like to read
22 also article 12, concerning the office of secretary to
23 the Prime Minister which, of course, the accused
24 HOSHINO did not hold:

25 "Article 12.

1 "The Secretary to the Prime Minister shall
2 take charge of secret business under the directions
3 of the Prime Minister."

4 We call as our next witness INADA, Shuichi.

5 - - -

6 MR. G. WILLIAMS:

7 Would you state your name and address to the
8 Tribunal, please?

9 My name is INADA Shuichi and my address is
10 24 Nishikata-machi, Bunkyo-ku, Tokyo.

11 MR. G. WILLIAMS: I ask that the witness be
12 sworn before the Tribunal.

13 (The witness was sworn.)
14 The witness said:

15 I will now answer the questions put to me
16 whether or not that is your affidavit.

17 A This is my affidavit.

18 Q Are the contents thereof true and correct?

19 A Yes.

20 MR. G. WILLIAMS: We offer in evidence the
21 document No. 2300, the affidavit of the witness INADA.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Document No. 2300
24 will receive exhibit No. 1000.

25 (Whereupon, the witness was discharged.)

Exhibit No. 1000, the affidavit of the witness INADA, is received.

1 S H U I C H I I N A D A, called as a witness
2 on behalf of the defense, being first duly
3 sworn, testified through Japanese interpret-
4 ers as follows:

5 DIRECT EXAMINATION

6 BY MR. G. WILLIAMS:

7 Q Would you state your name and address to the
8 Tribunal, please?

9 A My name is INADA, Shuichi and my address No.
10 24 Nishikata-machi, Komagome, Bunkyo-ku, Tokyo.

11 MR. G. WILLIAMS: I ask that the witness be
12 shown defense document No. 2590.

13 (Whereupon, a document was handed to
14 the witness.)

15 Q Will you examine that document and state
16 whether or not that is your affidavit.

17 A This is my affidavit.

18 Q Are the contents thereof true and correct?

19 A Yes.

20 MR. G. WILLIAMS: We offer in evidence defense
21 document No. 2590, the affidavit of the witness INADA.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 2590
24 will receive exhibit No. 3220.

25 (Whereupon, the document above referred
to was marked defense exhibit No. 3220 and received

in evidence.)

1 MR. G. WILLIAMS: I read the affidavit,
2 beginning with paragraph two:

3 "I was Chief of the General Affairs Section
4 of the Cabinet Secretariat from November 1937 until
5 April 1945. Thus I was in this position when Mr.
6 HOSHINO, Naoki, was president of the Planning Board
7 and Minister Without Portfolio in the Second KONOYE
8 Cabinet in 1940, and sometime later, after his appoint-
9 ment as Chief Secretary of the TOJO Cabinet in October
10 1941, I served under him. One of my duties was to be
11 in charge of the documents filed in the Cabinet
12 Secretariat.

13 "Next I shall speak about the matter of how
14 'explainers' attended the Privy Council meeting. In
15 my position with the Cabinet Secretariat I used to
16 receive notices from the Secretary of the Privy Council
17 to arrange to send the minimum number of explainers
18 necessary to attend a particular meeting of the Privy
19 Council. I would then notify the various ministers to
20 this effect and they in turn would decide on and issue
21 orders to their subordinates as to who would attend
22 the meeting as explainers to assist them.

23 "About six o'clock in the evening of the day
24 when General TOJO was appointed by the Emperor to form
25 a cabinet in October 1941, as I recall, I was requested

1 to see him quite suddenly. When I visited him at the
2 official residence of the War Minister, Colonel
3 AKAMATSU, who later became the secretary to the
4 Premier, was also there waiting for me. General TOJO
5 said to me that, being appointed as Prime Minister,
6 he had to select someone as Chief Secretary to the
7 Cabinet. However, he was not familiar with the affairs
8 of the civil service and he wanted me to state frankly
9 my opinion on what kind of person could be deemed proper
10 for the post of Chief Secretary, and who would be most
11 fitting to discharge the secretarial business from the
12 point of view of those of us in the Cabinet Secretariat
13 who would be under him. I first hesitated to answer
14 but, being rather pressed by Colonel AKAMATSU for my
15 unreserved opinion, I stated my general opinion to the
16 following effect: The Chief Secretary should be first,
17 a man of ability without being autocratic and second,
18 should have a good record in the civil service. General
19 TOJO then gave me the names of some persons, one of
20 whom was Mr. HOSHINO. He asked me if we, the Secretariat,
21 could discharge our business smoothly under him. I
22 replied that Mr. HOSHINO had had much experience in
23 official business so that I thought him the proper
24 person for the post and that we of the Secretariat could
25 work well under him. General TOJO then asked me

.

1 concerning the procedure to be followed in forming
2 a cabinet, after which he thanked me for my opinion
3 and I left. The next day I learned that Mr. HOSHINO
4 had been appointed Chief Secretary of the Cabinet. After
5 his appointment, Mr. HOSHINO told me that all he had been
6 doing after resigning from the KONOYE Cabinet in
7 April 1941 and until just before his recent appointment
8 was to travel around Japan.

9 "It was part of the prescribed duties of the
10 Chief Cabinet Secretary to have Imperial Rescripts
11 prepared in the Secretariat. Accordingly, during the
12 latter part of November 1941, Mr. HOSHINO ordered me
13 to prepare an Imperial Rescript to be issued in the
14 event the negotiations with the United States should
15 be successful, and another Imperial Rescript proclaiming
16 a state of war with the United States and Great Britain.
17 The former was listed on a memorandum which Mr. HOSHINO
18 gave me saying, 'This should also be prepared as it may
19 be necessary.' The memorandum was written in pencil
20 in Mr. HOSHINO's handwriting, containing five items
21 listing things to be done in the event the negotiations
22 with the United States were successful, and read:
23 'Measures to be taken in case Japan should suffer great
24 hardship -- (1) Request the Emperor to proclaim Imperial
25 Decree -- Settle the People's Minds and Retention of the

1 National Power.' This is as much as I remember of what
2 I read. The memorandum was then typed and I returned
3 it to Mr. HOSHINO. The memorandum was placed in the
4 Secretariat files and was later destroyed by fire as
5 I heard during an air raid in 1945.

6 "After receiving this memorandum from Mr.
7 HOSHINO I began drafting the Imperial Rescript. I
8 showed the draft Rescript for peace to Mr. HOSHINO
9 early in December, I believe it was, after he had told
10 me to hurry the preparation of it. After looking it over,
11 he did not approve the draft but returned it to me for
12 reconsideration. It was my intention at the time to
13 revise the draft and resubmit it, but the press of
14 other business was too great and it remained in a pending
15 status until after the outbreak of the Pacific war. If
16 this draft had been needed for actual use, the normal
17 course would have been to revise it several times until
18 the Rescript was satisfactory.

19 "I cannot remember now the exact contents of
20 this draft of the Imperial Rescript for peace. However,
21 its general purport was that Japan would be put in a
22 very difficult position but that the Japanese people
23 should endeavor to maintain the national strength and
24 keep friendly relations with the other nations of the
25 world. This draft was, of course, never used. After
the outbreak of hostilities I destroyed the only two

1 copies of the draft which had been made, i.e., the
2 one in my own handwriting and the other which I had
3 shown Mr. HOSHINO but which he had returned to me.
4 This destruction was done since it was recognized that
5 there was no further need for the drafts and also
6 because it was a practice in the Cabinet Secretariat
7 that, inasmuch as Imperial Rescripts are issued from
8 the Throne, all preparatory drafts had to be burned.

9 "/s/ INADA, Shuichi"

10 I should like to ask the witness an additional
11 two questions.

12 May the witness be shown exhibit No. 3219,
13 the Cabinet Regulations.

14 (Whereupon, a document was handed to
15 the witness.)

16 BY MR. G. WILLIAMS (Continued):

17 Q Witness, in Article 9 of that document it is
18 stated that "The Chief Secretary shall assist the Prime
19 Minister, take charge of confidential documents..."
20 Will you explain to the Tribunal what the nature of
21 those confidential documents were which were handled
22 by the Chief Secretary?

23 A Principally, documents relating to personnel
24 matters and documents which had been referred to Cabinet
25 meetings.

1 Q How many secretaries did the Premier have?
2 That is, General TOJO.

3 A At the time of the TOJO Cabinet there were
4 four private secretaries attached to the Prime
5 Minister.

6 MR. G. WILLIAMS: You may cross-examine.

7 THE PRESIDENT: Brigadier Quilliam.

8 CROSS-EXAMINATION

9 BY BRIGADIER QUILLIAM:

10 Q Witness, the appointment of the Chief
11 Cabinet Secretary was the personal appointment of
12 the Prime Minister, was he not?

13 A The procedure at that time was for the
14 Premier Designate to make a report to the Throne
15 thereof and the appointment was made by the Throne,
16 but the selection was made by the Prime Minister and
17 the official investiture -- official appointment --
18 takes place following receipt of Imperial sanction.

19 Q And in fact whenever there is a change of
20 Prime Minister there is a change of Chief Cabinet
21 Secretary, is there not?

22 A Yes, customarily.

23 Q How many names were mentioned to you by TOJO
24 at this meeting you speak about in your affidavit?

25 A I recall that he named two.

1 Q Who were they?

2 A The other party was SHIOBARA, Tokisaburo.

3 MR. G. WILLIAMS: We ask that the witness be
4 released on the usual terms.

5 THE PRESIDENT: He is released accordingly.

6 (Whereupon, the witness was
7 excused.)

8 MR. G. WILLIAMS: Again reading from exhibit
9 No. 3212-A, the interrogation of the accused HOSHINO
10 by the prosecution, beginning on page 3, the 26th of
11 February 1946, and reading the remainder of the docu-
12 ment:

13 "Q Now, Mr. HOSHINO, you stated that you were
14 president of the Planning Board until April 1941.
15 What did you do after that?

16 "A For half a year thereafter I was doing no
17 special job. I was visiting various parts of the
18 country.

19 "Q And what were the visits? Of a business or
20 of a pleasure nature?

21 "A It was mostly private trips, except at one
22 time I did make a speech in regard to certain Chuchiku
23 savings. I had been in Manchuria for a number of years
24 and therefore I made this trip to see the condition of
25 the country.

1 "Q What was the reason for the collapse of
2 the Third KONOYE Cabinet, Mr. HOSHINO?

3 "A I did not know at that time the reason for
4 I had been out on many trips since between August and
5 October, however, afterward I did hear that the KONOYE
6 Cabinet collapsed because there was internal friction.

7 "Q How did you happen to become Secretary of the
8 Cabinet, Mr. HOSHINO?

9 "A There was no special reason except that I had
10 been requested to become the Cabinet Secretary on the
11 17th by TOJO. At that time I had already purchased a
12 ticket in anticipation of going to Korea.

13 "Q You and General TOJO were old friends, were
14 you not, Mr. HOSHINO?

15 "A I would not say exactly old friends, however,
16 TOJO was in Manchuria for about two years at the time
17 I was and that is how I came to know him and also when
18 TOJO was the Minister of War and I was on the Cabinet
19 Planning Board.

20 "Q Who appointed you as president of the Cabinet
21 Planning Board originally?

22 "A Prince KONOYE.

23 "Q Did you, as Secretary, attend all of the
24 meetings of the Cabinet, Mr. HOSHINO?

25 "A I did not attend as a Cabinet member, however,

1 I did sit in on the meetings. There also were two
2 other persons that sat in on this conference. The
3 legislative and the intelligence members sat in on
4 these conferences.

5 "Q As Secretary of the Cabinet Board, did you
6 have a vote on any of the questions presented there?

7 "A No, no rights for a vote.

8 "Q Did you keep notes of the Cabinet meetings
9 during TOJO's regime?

10 "A No.

11 "Q Did anybody else in the Cabinet keep any
12 notes, or minutes, or memorandum?

13 "A No, the president of the Information Bureau
14 gave whatever information there was to the newspapers.

15 "Q -- this is from prosecution exhibit No. 2225,
16 page 15 -- "I am advised, Mr. HOSHINO, that you were
17 the closest man in the Cabinet to General TOJO. How
18 about that?

19 "A As the Chief Secretary, I was the closest to
20 TOJO, however, I cannot say that I was the closest
21 advisor."

22 That is the end of the quotation from the
23 prosecution's exhibit. I continue:

24 "Q I am advised that you also were a strong
25 supporter of TOJO's war policy. Is that not correct?

1 "A I have not been asked of any advice by TOJO
2 previous to the war, nor have I given any. I have
3 just carried out instructions as a secretary.

4 "Q Did the Prime Minister say anything? (At
5 Imperial Conference of 1 December 1941.)

6 "A He explained the situation as it was.

7 "Q What did he explain?

8 "A I don't remember exactly what was said.

9 "Q What was it in substance?

10 "A Roughly, that if the negotiations did not
11 succeed during the beginning of December, there
12 would be war.

13 "Q Were you present at this Imperial Conference?

14 "A Yes, I was but not as a member.

15 "Q Did you make any suggestions? (At Privy
16 Council meeting of 8 December 1941.)

17 "A I was not permitted to express anything.

18 "Q Was the Chief of the Information Board
19 present at the meeting of the Privy Council?

20 "A I believe he was present though I cannot say
21 definitely that he was. As the Chief of the Cabinet
22 Information Board and myself as well are not members
23 we would not have to attend the meetings except those
24 that pertained to our duties so that possibly he may
25 have attended this. If they were all ministers it

1 would be compulsory, more or less, to attend these
2 meetings, but as these people are merely in line of
3 duty only and not as a member I would not be able to
4 say definitely that they were."

5 May it please the Tribunal, that concludes
6 the presentation of evidence on behalf of the accused
7 HOSHINO.

8 If the Tribunal please, at this time this
9 counsel would most respectfully request permission
10 from the Tribunal to withdraw from the case due to the
11 urgency of returning to the United States.

12 THE PRESIDENT: You explained your position
13 in Chambers, Mr. Williams. We regret your withdrawal
14 at this stage. We hoped to have your services to the
15 end of the trial. You are withdrawing for strong per-
16 sonal reasons. We regret the occasion, and we consent
17 to your withdrawal.

18 MR. G. WILLIAMS: Thank you, sir.

19 Mr. Warren will continue with the presenta-
20 tion of evidence.
21
22
23
24
25

THE PRESIDENT: Colonel Warren.

1 MR. WARREN: We have not prepared an opening
2 statement in the personal phase of the defense case
3 for the accused HIRANUMA, and will proceed at this
4 time with the presentation of our evidence.

5 At this time we should like to refer to
6 prosecution's exhibit 83, which is an ordinance
7 creating and regulating the Privy Council.

8 THE PRESIDENT: Colonel, we haven't proof
9 of documents; at least, I haven't.

10 MR. WARREN: Oh, I am sorry, sir.

11 THE PRESIDENT: I have one now.

12 MR. WARREN: I am referring to prosecution's
13 exhibit 83. The prosecution read part of this docu-
14 ment, and we desire to read at this time Article 8
15 of Charter II, consisting of only two lines, that is,
16 Article 8:
17

18 "Though the Privy Council is the Emperor's
19 highest resort of counsel, it shall not interfere with
20 the executive."

21 There is nothing further in this document
22 that we desire to call to the attention of the Tribunal
23 at this time.

24 We now offer in evidence defense document
25 No. 2422. This document we do not desire to read,

1 but offer it in evidence for the reason that the
2 prosecution, in referring to the accused HIRANUMA,
3 referred to him as a "Gijokan counsellor," appointed
4 by the Cabinet. This document will show that a Senior
5 Gijokan was nothing more than a member of a decora-
6 tion conference, and that it had no significance
7 politically or governmentally whatsoever.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Defense document 2422
10 will receive exhibit No. 3221.

11 (Whereupon, the document above
12 referred to was marked defense exhibit No.
13 3221 and received in evidence.)

14 MR. WARREN: We now offer in evidence defense
15 document No. 1500-A-7. This is an official United
16 States Government document and is a telegram sent by
17 Ambassador Grew containing a message in which the
18 Prime Minister, at that time the accused HIRANUMA,
19 urges the President of the United States to a joint
20 effort to prevent war in Europe.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document
23 1500-A-7 will receive exhibit No. 3222.

24 (Whereupon, the document above referred
25 to was marked defense exhibit No. 3222 and
received in evidence.)

1 MR. WARREN: I will omit the purely formal
2 portions and start with the first paragraph:

3 "At my conference today with the Minister
4 for Foreign Affairs ARITA handed me the following
5 message which the Prime Minister" --

6 THE PRESIDENT: Colonel, the Judges haven't
7 their copies yet. I am sorry to interrupt you.

8 MR. WARREN: "At my conference today with
9 the Minister for Foreign Affairs ARITA handed me the
10 following message which the Prime Minister requested
11 me to deliver personally to the Secretary of State on
12 my forthcoming visit to Washington in the hope that
13 the message may also be brought to the attention of
14 the President:

15 "At present there is a serious antagonism
16 among the nations of Europe and no one can assure
17 that there will be no clash in the near future. If,
18 by mischance, war is to break out, its consequence
19 would be practically beyond our imagination and the
20 indescribable sufferings of hundreds of millions of
21 people as well as the complete destruction of civili-
22 zation would ensue. It is, therefore, absolutely
23 necessary for us to exert our effort to prevent the
24 occurrence of such catastrophe, and, I believe, that
25 is the duty mainly incumbent on the United States and

1 Japan since these two Powers are situated outside the
2 scope of European conflict.

3 "Then what are the causes of this antogo-
4 nism in Europe? There may be contentions on both
5 sides but on cool scrutiny of the European situa-
6 tions since the World War we come to the conclusion
7 that, although Germany and Italy may be advised to
8 be more patient, Great Britain and France also have
9 a great deal to reconsider.

10 "Undoubtedly, the intention of the United
11 States Government is to prevent the occurrence of
12 such catastrophe and thus to save Europe from the
13 misery of war. Similarly, it is the ardent wish of
14 Japan that nations should have their own proper
15 places in the world and thus the true world peace
16 might be established and maintained. I, for myself,
17 am doing my utmost to realize this ideal, and on this
18 point, I believe, will be found the possibility of
19 much closer cooperation between Japan and America as
20 well as the foundation of a deeper mutual understand-
21 ing between the two nations."

22 Signed, "Grew."

23 At this time we offer in evidence defense
24 document No. 1500-B-7. This document, like the
25 previous one, is an official United States Government

1 document and is a telegram to Eugene H. Dooman, which
2 contains the United States Government's reply to the
3 message referred to in the previous exhibit, that is,
4 defense document 1500-A-7.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Defense document
7 1500-B-7 will receive exhibit No. 3223.

8 (Whereupon, the document above
9 referred to was marked defense exhibit
10 No. 3223 and received in evidence.)

11 MR. WARREN: Omitting the purely formal
12 portions:

13 "Sir: Reference is made to the Embassy's
14 telegram No. 234, May 18, 5 p. m., in which there is
15 given the text of a message from the Prime Minister
16 which was handed to Ambassador Grew by the Minister
17 for Foreign Affairs with the request that Mr. Grew
18 deliver the message personally to me. There is en-
19 closed a reply to this message.

20 "The Department desires to be consulted by
21 telegraph with regard to the question of the time
22 when the reply should be delivered. Therefore, be-
23 fore arranging to call on the Minister for Foreign
24 Affairs for the purpose of handing the reply to him
25 for transmission to the Prime Minister, please

1 telegraph your opinion whether an opportune time for
2 presentation of the reply has arrived, offering also
3 such comments or suggestions as may occur to you with
4 regard to the text of the proposed reply.

5 "When you deliver the reply, the Department
6 desires that you inform the Minister for Foreign
7 Affairs that it is requested that the reply be re-
8 garded as strictly confidential and not for publica-
9 tion.

10 "Very truly yours."

11 Then, omitting again formal parts,

12 "Reply to Prime Minister.

13 "On his return to Washington Ambassador
14 Grew delivered to me personally the message which
15 Your Excellency was so good as to place in his hands
16 through the Japanese Minister for Foreign Affairs. I
17 have read with unusual interest the expressions of
18 Your Excellency's concern at the existence among the
19 nations of Europe of antagonism which may lead to
20 open conflict, and of Your Excellency's concern as to
21 what the consequences might be to millions of people
22 and to civilization should such antagonism lead to
23 an outbreak of war. In this situation Your Excellency
24 sees it as the duty of the Governments of our two
25 countries, owing to their situation 'outside the scope

1 of European conflict' to exert efforts to prevent
2 the occurrence of the casualty envisaged.

3 "I have carefully noted also the statement
4 pertaining to the causes of strained relations in the
5 European situation, the interest of my government in
6 the preservation of peace, and finally the 'ardent
7 wish of Japan' that the relations of nations might be
8 so arranged that true world peace would be established
9 and maintained.

10 "Your Excellency will have no doubt, in the
11 light of the published utterances of the President and
12 myself and of the principles we have advocated and
13 supported, that the Government of the United States
14 wholeheartedly desires to see established and main-
15 tained upon the basis of fair dealing and fair play
16 between and among nations a condition of true world
17 peace. With especial reference to the situation in
18 Europe, Your Excellency will be apprised of the recent
19 earnest efforts of this Government: the President's
20 identic messages sent on September 26, 1938, to the
21 heads of several European governments which had
22 reached an alarming crisis in their relations; identic
23 messages addressed on April 14, 1939, by the President
24 and myself respectively to the Chancellor of the German
25 Reich and to the Premier of Italy with regard to the

1 possible removal of the prevailing threat or fear of a
2 European war.

3 "It would be most gratifying to me, and I
4 may also speak for the President, if there could be
5 found ways for the use of your government's influence
6 toward discouraging among European governments,
7 especially those governments with which your govern-
8 ment may have special relations, the taking of any
9 action, or the pursuance of any policy, that might
10 endanger the general peace. I am confident that any
11 such contribution as this would constitute a high
12 service to those great sections of humanity which
13 live in fear of the devastation of war.

14 "In further reference to Your Excellency's
15 expressed desire to see a true world peace established
16 and maintained, I venture to observe, in a spirit of
17 frankness which I trust will not be misunderstood,
18 that this objective is made the more remote by the
19 existence and the continuance of armed conflict and
20 consequent political disturbances in the Far East
21 today. Just as the unfolding of events in the
22 European sphere have their repercussions in the Far
23 East, it appears, the prolongation of abnormal con-
24 ditions in the Far East contribute to causes of unrest
25 in Europe. American opinion is therefore perturbed

1 by the trend of events in the Far East, especially
2 with regard to the methods of Japan in relations with
3 China.

4 "If, therefore, it should prove impracti-
5 cable or inexpedient to make effective contribution
6 at once to the settlement of problems arising in the
7 European area, there nevertheless would be urgent
8 need for the exertion of efforts in connection with
9 disturbed conditions in other geographical areas,
10 especially by those nations which may unhappily now
11 be engaged in armed conflict. It is my view that
12 each peaceful settlement, in whatever geographical
13 sphere, constitutes a stabilizing element and an
14 important step toward improvement in the general world
15 situation.

16 "Your Excellency may be assured of the genuine
17 desire of the President and myself to do all within
18 our power to convert into practical results those
19 principles and hopes to which we have frequently
20 given expression in connection with the foreign
21 relations of the Government of the United States.
22 While this government does not perceive any practi-
23 cable steps which it might usefully take at this time
24 in addition to those already taken, this government
25 is sincerely interested in the suggestion contained

1 in Your Excellency's message, and in giving further
2 consideration to that suggestion would be pleased to
3 have such further information as Your Excellency may
4 find it agreeable to offer by way of amplifying and
5 making more definitive Your Excellency's concept as
6 to the steps which might usefully be taken toward
7 moderating the situation in Europe."

8 We now offer defense document No. 1500-C-7,
9 which is also an official United States Government
10 document, and is a telegram in line with the previous
11 two documents offered. We do not desire to read it.
12 Its purpose is to show that the reply from the
13 President of the United States to the accused
14 HIRANUMA was actually delivered.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document
17 1500-C-7 will receive exhibit No. 3224.

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 3224 and received in evidence.)
21
22
23
24
25

1 At this time, if the Tribunal please, we
2 offer defense document 1500-D-7. This is an official
3 United States Government document and is a letter
4 directed to the Secretary of State of the United
5 States from Eugene H. Dooman, then Charge d'Affaires
6 ad interim in the Embassy in Tokyo. The subject is,
7 "Japan's Foreign Policy in Relation to the Situation
8 in Europe." This document outlines at length the
9 policies, ideals and hopes of the accused Baron
10 HIRANUMA at the time he was Prime Minister, and may
11 be classified as one of the series of the three
12 previous telegrams. This document is rather lengthy
13 and we do not desire to read all of it.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Defense document No.
16 1500-D-7 will receive exhibit No. 3225.

17 (Whereupon, the document above
18 referred to was marked defense exhibit No.
19 3225 and received in evidence.)

20 MR. WARREN: We desire to read the first
21 page and the first paragraph on the second page,
22 omitting the last paragraph, the entire third, fourth,
23 fifth and sixth pages. Then we will commence reading
24 again with the last paragraph on page seven and read
25 pages eight, nine and ten, and the first paragraph on

1 page eleven. We do not desire to read the last para-
2 graph on page eleven, nor pages twelve, thirteen,
3 fourteen, fifteen, nor the first paragraph on page
4 sixteen. We do desire to read the last paragraph on
5 page sixteen, all of pages seventeen and eighteen
6 except the last paragraph. On page twenty, we should
7 like to commence with the last paragraph and read
8 through the balance of page twenty-one.

9 Omitting the purely formal parts:

10 (Reading) "Sir:

11 "I had the honor in my telegram no. 245,
12 May 26, 8 p.m., to present an analysis of certain
13 trends in Japanese thought with regard to foreign
14 policy in relation to the situation now developing in
15 Europe. I observed that there were elements in Japan
16 -- not to be confused with certain congenial, but
17 withal ineffectual, persons educated abroad who have
18 been telling us that reaction to Japan's China policy
19 was 'just around the corner' -- who realized that, in
20 the event of a war in Europe, the maintenance by Japan
21 of neutrality between the democratic and totalitarian
22 camps would afford Japan little security, and that
23 national security could be assured in the long run only
24 by liquidating the conflict with China. I was not
25 unaware of the need for resting an observation of this

1 nature on a reasonably firm basis, and it is my pur-
2 pose in this despatch to lay before the Department the
3 circumstances, some of personal knowledge and the
4 others which derive by deduction, on which my view
5 was based. As there is no discussion in the press or
6 in any other public forum of the question whether or
7 not Japan should align itself with Germany and Italy
8 -- indeed, any reference by the press to this question
9 is officially interdicted -- information with regard
10 to thought trends has come to me largely by word of
11 mouth."

12 Commencing with the last paragraph on page
13 seven:

14 "Whether by accident or by design, I was
15 approached on the same day, May 18, by a Japanese
16 hitherto unknown to me but who had made the acquaint-
17 ance of the Ambassador as a fellow passenger during a
18 voyage across the Pacific, with the suggestion that
19 I have a 'chat,' as he put it, with the Prime Minister.
20 I asked the gentleman to call again, as I wished to
21 consider the matter. I informed the Ambassador of
22 the call and of the suggestion that I have a talk with
23 the Prime Minister. Mr. Grew said that he had formed
24 a favorable impression of Mr. FUJII, the person who
25 had called on me, and that he saw no reason why I

1 should not return a favorable reply. When Mr. FUJII
2 called again, I said that I would be glad to have an
3 opportunity to make the acquaintance of the Prime
4 Minister, but that I had heard rumors of the possi-
5 bility of a change of government and wondered, there-
6 fore, whether a call at that time would be opportune.
7 Returning on the following day, Mr. FUJII brought an
8 invitation from Baron HIRANUMA to dinner on May 23,
9 when he intended to explain his purpose in sending
10 through Mr. Grew his message to the Secretary, and
11 word to the effect that no change in the government
12 was impending. I accepted the invitation. Mr. FUJII
13 then emphasized the importance of keeping a profound
14 secret the forthcoming talk. He said that Baron
15 HIRANUMA's political position was reasonably secure,
16 but that the alignment of factions within the Govern-
17 ment over European policy was so delicate as to
18 require that the Prime Minister act very cautiously.
19
20 "Mr. FUJII called for me on the evening of
21 May 23. As we went in my car, which bears an Embassy
22 license tag, Mr. FUJII proposed that we alight some
23 distance from the Prime Minister's private residence
24 and go the rest of the way on foot; we did. At the
25 gate of the residence there stood a number of police-
men, who, although obviously surprised by seeing a

1 foreigner, made no attempt to stop me. The servants
2 were prepared for my visit, but I have reason to be-
3 lieve that they, as well as two female relatives of
4 the Prime Minister's who served us later at dinner,
5 had no knowledge whatever of my identity. It might
6 be added that the residence, which is situated in the
7 suburbs, is small and quite unpretentious and would
8 barely grace a small tradesman. These details, while
9 inconsequential, may perhaps reflect my impressions
10 at the moment.

11 "Baron HIRANUMA received me very courteously.
12 He said that he unfortunately had few opportunities
13 to meet foreigners and thus to receive at first hand
14 the impression of foreigners with regard to conditions
15 in various parts of the world. The situation in
16 Europe was, in his view, a delicate one, and he felt
17 confident that he could obtain from an American a more
18 objective appraisal of that situation than he would
19 be likely to procure from any European.

20 "I expressed regret that I was not in a
21 position to give him any information other than that
22 which was public knowledge. There then ensued a col-
23 loquy on the situation in Europe, during which Baron
24 HIRANUMA displayed knowledge not only of a factual
25 nature but of political trends in Europe which

1 surprised me. One of the points brought out which,
2 in his view, made for danger in Europe, was that
3 Chancellor Hitler -- with the objectives which he
4 has in mind for Germany to achieve -- provides an
5 issue around which all elements in Great Britain can
6 rally; the imperialists, who do not propose to
7 tolerate a Germany which can pretend to equality
8 with Great Britain; the industrialists, who fear
9 German commercial competition; and, finally, the
10 Jews, radicals and even the Germanophiles, who vie
11 with each other in their hatred of Hitler."

12 THE PRESIDENT: We will adjourn until half-
13 past one.

14 (Whereupon, at 1200, an adjourn-
15 ment was taken.)
16
17
18
19
20
21
22
23
24
25

AFTERNOON SESSION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Colonel Warren.

MR. WARREN: If the Tribunal please, I was reading from page 10, the middle of the page:

"Baron HIRANUMA then said that the possibility of a war arising in Europe was one which he contemplated with horror. It would inevitably result in the total destruction of civilization, as no nation, however remote from the seat of war, would hope to escape the eventual consequences even though it might be fortunate to avoid direct involvement. He had publicly stated on several occasions that Japan could never be a democracy or a totalitarian state, and that Japan could make its greatest contribution by bringing together in harmonious and peaceful relations the two groups of nations. There were, he continued, elements in Japan which considered that Japan could not afford to maintain a condition of isolation and that her security demanded that she enter into 'special relations' with Germany and Italy. He was insisting, however,

1 that Japan follow what he termed 'moral diplomacy.'
2 A nation's existence was not to be measured by de-
3 cades, and it was essential, therefore, that states-
4 men charged with the destinies of nationals fix their
5 attention on long term objective rather than on gain-
6 ing favorable tactical positions, which were after
7 all, ephemeral. The most important of these ob-
8 jectives was a stablized peace to replace interludes
9 of preparation for the next war. Japan, like the
10 United States, was not directly involved in the
11 troubles of Europe; and it was his thought that these
12 two nations, which were the only Great Powers sit-
13 uated outside of Europe, were in a position to exer-
14 cise a moderating influence on Europe. To exercise
15 that influence was a duty which they owed their own
16 peoples, for the downfall of Europe would inevitably
17 bring with it the downfall of the rest of the world.
18 In his opinion, the first step which had to be taken
19 was to check the tendency toward the division of
20 Europe into two political hostile camps. He wondered
21 whether the views of the American Government were re-
22 sponsive to those which he had expressed in his mes-
23 sage to the Secretary."

24
25

Beginning again in the middle of page 16:

1 "Baron HIRANUMA said that the belief was
2 widely held abroad that Japan was considering a mili-
3 tary alliance with Germany and Italy. He had endeav-
4 ored to explain frankly the basis of Japanese sympathy
5 for Germany and Italy, and he could say quite definite-
6 ly that the basis of what appeared to be a concerting
7 of Japanese policy with that of Germany and Italy lay
8 in the fact that all three countries are in the same
9 economic strategic position. He personally was of
10 the opinion that Japan, whose government would for
11 all time to come rest on the sanctity of the Imperial
12 Family, could not tie itself by special relations to
13 any foreign government whose stability depended on the
14 continued existence and political prestige of one
15 individual. There were both in Germany and Italy
16 political currents flowing beneath the surface which,
17 in his view, would gravely prejudice confidence in
18 any political arrangement, such as an alliance, which
19 Japan might make with those countries. Hidden dissi-
20 dent elements would be certain to make themselves felt
21 in time of war and thus are to be reckoned as a threat
22 to the success of German and Italian arms.

23 "At this point we were interrupted by notice
24 that dinner was served. The conversation during dinner
25

1 was not in any way pertinent to the subject of this
2 despatch, being confined to discussions of points in
3 Chinese philosophy, personal reminiscences, and so
4 on, the Prime Minister discoursing in a most inter-
5 esting manner.

6 "Returning to his study, the Prime Minister
7 said that he wished to draw together the various
8 threads of our conversations, as follows:

9 "The United States and Japan were the only
10 powers which could help to prevent the crystallization
11 of the trend toward the division of Europe into armed
12 camps. There can, however, be no confident hope that
13 a permanent peace can be established until the world-
14 wide economic and political conditions which bring
15 about unrest in Europe and in the Far East can be
16 corrected; and if an international conference can be
17 called to solve the problems which create unrest,
18 Japan would be prepared to agree to the inclusion of
19 the Far Eastern situation among the problems to be
20 discussed. Before any call for such a conference
21 could be issued, Great Britain and France, and Germ-
22 any and Italy, would have to be sounded out. If
23 the President were prepared to make a confidential
24 approach to the European democracies he would be glad
25 to approach Germany and Italy; and if there were re-

1 turned favorable replies by these nations, he would
2 be glad to have the President call the conference
3 under such conditions as might be agreed upon after
4 discussion through normal diplomatic channels.

5 "I wish to make it clear, before setting
6 forth certain conclusions which I drew from these
7 conversations, that I do not put forward the views of
8 those Japanese -- even though they be persons of great
9 importance and influence -- who harbor hopes of re-
10 storing good relations with the democratic nations,
11 as being necessarily the views of the Japanese
12 Government. These are, however, the views of a power-
13 ful element in the Government; they may prevail or
14 they may not, but they cannot be ignored."

15 And beginning at the bottom of page 20:

16 "In concluding this **despatch**, which is already
17 unconsciously long, I wish briefly to allude to the
18 discrepancy between the attitude of the Prime Minister
19 as indicated in his conversation with me and that of
20 the Minister for Foreign Affairs, whose preoccupation
21 over the Anglo-Soviet negotiations has already been
22 mentioned. It is obvious that the desire of the Prime
23 Minister for American collaboration to bring about peace
24 in Europe (and in the Far East) cannot be reconciled
25 with the readiness, which is almost an eagerness, on the

1 part of the Foreign Minister to meet a fancied threat
2 from Great Britian. These two points of view reflect
3 conflicting policies, and which of these policies will
4 prevail may perhaps be decided by events of the next
5 few days."

6 THE PRESIDENT: Mr. English.

7 MR. ENGLISH: If the Tribunal please, inas-
8 much as the document has not been read in its en-
9 tirety, I wish to direct the Tribunal's attention to
10 the first paragraph of page 5 beginning with the
11 words "Mr. and Mrs. ARITA," and also the paragraph
12 on page 7 beginning with the words "The impressions."

13 THE PRESIDENT: Colonel Warren.

14 MR. WARREN: Your Honor, at this time we
15 offer in evidence defense document No. 2420 which
16 is an affidavit of Major General Francis Stewart
17 Gilderoy Piggott, C.B., D.S.O., Colonel Commandant,
18 Royal Engineers of the British Army. The original
19 is on file with the clerk. This document relates
20 to the Tientsin crises, in which the General ex-
21 plains his position and that of Baron HIRANUMA. The
22 document definitely shows that Baron HIRANUMA averted
23 serious trouble between Japan and England by his
24 action with reference to the Tientsin Incident.
25

THE PRESIDENT: Mr. English.

1 MR. ENGLISH: The prosecution objects to
2 the following portions of the affidavit because they
3 are statements of opinion, conclusions, and they
4 forswear the issue: the last paragraph on page 1,
5 continuing on page 2, beginning with the words "The
6 reason"; the first paragraph on page 2, beginning
7 with the words "The Baron felt"; the last sentence
8 on page 2, beginning with the words "The major
9 credit"; all of page 3.

10 THE PRESIDENT: Did you say the whole of
11 the first paragraph on page 2 commencing with the
12 words "The Baron felt"?

13 MR. ENGLISH: Yes, your Honor.

14 THE PRESIDENT: Colonel Warren.

15 MR. WARREN: Well, your Honor, in securing
16 an affidavit of this type, it is obvious that certain
17 personal opinions of the person who made the affidavit
18 would creep in. Now, this is not the impression of
19 the prosecution in some instances. But, if the Tri-
20 bunal will permit this into evidence -- I ask the
21 Tribunal, it being composed of legal men, that if
22 there are those portions which obviously fall within
23 the scope of the prosecution's objection that they be
24 disregarded.

25 THE PRESIDENT: But he has specified the

1 MR. ENGLISH: The prosecution objects to
2 the following portions of the affidavit because they
3 are statements of opinion, conclusions, and they
4 forswear the issue: the last paragraph on page 1,
5 continuing on page 2, beginning with the words "The
6 reason"; the first paragraph on page 2, beginning
7 with the words "The Baron felt"; the last sentence
8 on page 2, beginning with the words "The major
9 credit"; all of page 3.

10 THE PRESIDENT: Did you say the whole of
11 the first paragraph on page 2 commencing with the
12 words "The Baron felt"?

13 MR. ENGLISH: Yes, your Honor.

14 THE PRESIDENT: Colonel Warren.

15 MR. WARREN: Well, your Honor, in securing
16 an affidavit of this type, it is obvious that certain
17 personal opinions of the person who made the affidavit
18 would creep in. Now, this is not the impression of
19 the prosecution in some instances. But, if the Tri-
20 bunal will permit this into evidence -- I ask the
21 Tribunal, it being composed of legal men, that if
22 there are those portions which obviously fall within
23 the scope of the prosecution's objection that they be
24 disregarded.

25 THE PRESIDENT: But he has specified the

1 portions he objects to, and we must give a decision
2 on those, Colonel Warren.

3 MR. WARREN: Very well, your Honor. I would
4 say then in reference to the last paragraph on page 1
5 that --

6 THE PRESIDENT: We have not given our de-
7 cision on the objections.

8 MR. WARREN: Oh, I see. I thought you wanted
9 me to argue it, your Honor, which I am prepared to do.

10 THE PRESIDENT: Yes. Proceed to argue,
11 Colonel.

12 MR. WARREN: With reference to the first ob-
13 jection, commencing on the last paragraph of page 1,
14 it appears obvious that the General is relating con-
15 versations he had had with HIRANUMA, and he is relat-
16 ing incidents which he knows from his own personal
17 contact with the principals involved.

18 With reference to the following paragraph
19 on page 2, the Baron felt at a conference -- that is
20 not a conclusion of the witness, as I interpret the
21 affidavit, but he is relating what he knows of his
22 own knowledge because he was a principal in the en-
23 tire transaction. Unquestionably, he is relating the
24 reasons which the Baron had given him when having the
25 conference in Tokyo.

1 The next objection with reference to the
2 sentence beginning "The major credit for this happy
3 outcome" was referred to the Prime Minister himself,
4 I expect, your Honor, that that is a conclusion of
5 the witness and, perhaps, well founded but, nonethe-
6 less, a conclusion.

7 The objection to the following paragraph,
8 starting with the words "Before" and "We spoke in
9 Japanese," is obviously immaterial, and we do not
10 raise the question.

11 Now, as to the last paragraph, as to whether
12 or not that is material or a conclusion of the wit-
13 ness depends, in my opinion, upon the opinion of the
14 person reading the affidavit. My interpretation is
15 that General Piggott, being involved in this and
16 knowing the seriousness of it, could draw an accurate
17 conclusion. He was certainly an expert; and, if it
18 is opinion evidence, this is certainly expert opinion
19 evidence on the matter, or it can be construed as a
20 policy statement of fact.

21 THE PRESIDENT: By a majority, the objections
22 are sustained and the document admitted on the usual
23 terms but only to the extent not objected to.

24 CLERK OF THE COURT: Defense document 2420
25 will receive exhibit No. 3226.

(Whereupon, the document above referred to was marked defense exhibit No. 3226 and received in evidence.)

MR. WARREN: Your Honor, in reading this I am going to try to follow the ruling as much as I can; and, if I do happen to read something else that is covered by your ruling, I would appreciate it if you would call it to my attention.

THE PRESIDENT: I will tell you where to stop.

MR. WARREN: Yes, sir. I won't read the first paragraph; it is merely formal. (Reading)

"In June of that year, when the 'Tientsin crisis' was at its height, I was approached by a confidential agent of the Baron (then Prime Minister) at the instance of Mr. Dooman, American Charge d' Affaires, to convey certain suggestions from Baron HIRANUMA to the British Ambassador, having as their object the peaceful settlement of the Tientsin problem, and consequently many other outstanding difficulties. The name of the agent was Mr. Minoru FUJII, a retired Foreign Office official who had been Consul-General in Singapore during the 1914-18 War. (We spoke English and Japanese alternately)"

THE PRESIDENT: Stop there. Now go over to

1 the paragraph on the next page, commencing "It was
2 my privilege." It is the second completed paragraph.
3 Omit the last sentence of that paragraph. Read be-
4 tween "It was my privilege" down to "a conference in
5 Tokyo."

6 MR. WARREN: (Reading) "It was my privilege
7 to conduct the negotiations between the British Am-
8 bassador and the Prime Minister, through the above-
9 named intermediary, successfully, and Mr. ARITA in-
10 formed Sir Robert Craigie on the evening of June 23
11 that the Japanese Government were ready to have a
12 conference in Tokyo."

13 THE PRESIDENT: That is the whole of the
14 document, as I understand the objections.

15 MR. WARREN: I want to take exception to
16 weeding out the portions -- I mean, your Honor, I
17 wish to attempt at a later time, -- and I think I
18 can, to secure an affidavit from General Piggott on
19 these very matters, and they will then, I am certain,
20 be factual; and I would like to reserve the right to
21 offer it at a later time.

22 MR. ENGLISH: Of course, your Honor, we ob-
23 ject to that request.

24 THE PRESIDENT: He will hardly get it in
25 time. Of course, we understand he is handicapped in

1 not being able to interview General Piggott person-
2 ally. But we have a note of the request and the ob-
3 jection. Now you can proceed, Colonel.

4 MR. WARREN: At this time, if the Tribunal
5 please, we offer in evidence defense document No.
6 2647 --

7 THE PRESIDENT: 2467.

8 MR. WARREN: 2467, I am sorry. This is an
9 affidavit of Joseph C. Grew, former Ambassador from
10 the United States to Japan. This affidavit is offer-
11 ed as expert opinion evidence concerning the accused
12 HIRANUMA and others, and the opinion expressed by
13 Ambassador Grew, as shown by the affidavit, is from
14 his own knowledge based upon his official and per-
15 sonal contacts. His opinion, according to the wit-
16 ness, is reflected in his official reports to the
17 Department of State. We do not believe any higher
18 authority than Mr. Grew could be obtained. We rea-
19 lize that the Tribunal has ruled on so-called char-
20 acter evidence, but we wish to point out that this
21 is not character evidence but is opinion evidence
22 based upon actual knowledge by a man who was trained
23 in the field of international politics and upon
24 whose opinion the United States as a nation had to
25 depend.

1 THE PRESIDENT: Mr. English.

2 MR. ENGLISH: The prosecution objects to
3 the entire affidavit because it merely gives the
4 opinions and conclusions of Mr. Grew and attempts
5 to forswear the issue.

6 THE PRESIDENT: It may be in opinion form
7 on much less material than has been placed before
8 us. That is the danger in accepting others' opin-
9 ions. To accept opinion of another is to concede
10 that he has more material than you have to guide him.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

R
e
i
c
h
e
r
s
&
Y
e
l
d
e
n

1 MR. ENGLISH: Of course, I will draw the
2 Tribunal's attention to the fact that previously this
3 Tribunal said that even if Mr. Grew were here it
4 would not accept his opinions or his conclusions and
5 it is our submission that this Tribunal now has more
6 information regarding these matters than Mr. Grew had
7 at the time he gathered together his material and
8 formed his opinions. The Japanese Government did not
9 at the time intend that Mr. Grew have all the facts
10 the Tribunal now has.

11 THE PRESIDENT: Colonel Warren.

12 COLONEL WARREN: Your Honor, I should like
13 to point out that in the presentation of the prosecu-
14 tion's case opinion evidence was accepted on men who
15 were much less informed, and the Court can take judi-
16 cial knowledge of it, than Mr. Grew.

17 THE PRESIDENT: That is not so. We have
18 consistently rejected opinion evidence of this kind.

19 MR. WARREN: Your Honor, I am quite certain
20 that I can get the record and bring in that witness'
21 name at a later time. He was a newspaper man. I am
22 not certain whether it was Goette or Mr. Powell but
23 I am quite sure it was one of the two of them. However,
24 I will drop that and follow further.
25

THE PRESIDENT: By a majority the objection

1 is upheld and the document rejected.

2 MR. WARREN: May I complete my argument,
3 sir?

4 Your Honor, I have another point. I wish
5 to point out very important material for my appeal
6 in this matter.

7 THE PRESIDENT: We will hear whatever
8 further argument you have to offer. We had assumed
9 you had finished -- at least I had.

10 MR. WARREN: I am sure you had, your Honor.

11 This is short and I have it: Article 13(a)
12 of General Orders No. 20 is so worded that it makes
13 it mandatory upon the Tribunal to admit any evidence
14 which it deems to have probative value, regardless
15 of the technical rules of evidence or procedure. The
16 wording is that the Tribunal "shall admit any evidence
17 which it deems to have probative value." Regardless
18 of any other objection raised by the prosecution, we
19 submit that the affidavit of Mr. Grew should be
20 admitted. To assert that Mr. Grew's opinion has no
21 probative value is to cast a reflection upon the value
22 of the diplomatic services of the various nations.
23 The Government of the United States, and in some
24 instances England and other nations, had to and did
25 depend upon the opinion of the very man whose affidavit

1 we now offer, and they had to depend upon and did
2 accept the opinion of Mr. Grew concerning the motives
3 of these very men who now are in the prisoner's dock.

4 The prosecution by their objection, whether
5 they state it or not, deny in effect that Mr. Grew's
6 affidavit is of probative value. Such a position
7 is an insult to the intelligence of the American people
8 inasmuch as it admits of no other interpretation than
9 that the Government--

10 THE PRESIDENT: Colonel Warren, you cannot
11 be allowed to proceed in that way. The United States
12 Government is prosecuting HIRANUMA. That is what the
13 United States Government and people think of HIRANUMA's
14 case, but we decide independently of their view. We
15 decide on the evidence we think is admissible as having
16 probative value and we are not going to permit you to
17 make an attack on the Court.

18 The objection is allowed and the document
19 rejected.

20 MR. WARREN: Your Honor--

21 THE PRESIDENT: I cannot hear you further.
22 We will have to refuse to hear you at all if you per-
23 sist in this conduct.

24 MR. WARREN: I have a personal matter. I
25 insist, sir, that my motives have been impugned and I

1 have a right to answer this Tribunal on those. I
2 want to do it. I would like to state, sir, that I
3 stated that it was the prosecution's assertion. I
4 made no mention of this Tribunal, sir; none whatsoever.

5 I should like to state further that if the
6 United States Government is paying for a part of the
7 prosecution, it is also paying for a part of the
8 defense.

9 I do not care to go into the matter further,
10 sir.

11 MR. FURNESS: If the Court please, regardless
12 of the rejection of the document at this time I wish
13 to reserve the right to submit it in presenting the
14 defense of the defendant SHIGEMITSU. Part of it deals
15 with the pure question of fact, the receipt of a
16 letter, the contents of a letter.

17 THE PRESIDENT: That has not escaped our
18 attention, Major Furness. That may be tendered in
19 SHIGEMITSU's case by you if you think fit.

20 MR. FURNESS: Thank you, your Honor. I may
21 submit this affidavit or I may, if I have time, try
22 to get one in substitution for it.

23 THE PRESIDENT: Mr. Yamaoka.

24 MR. YAMAOKA: If it please the Tribunal, I
25 intend to appear on behalf of the accused HIROTA and

1 I should also desire to make a reservation concerning
2 this affidavit.

3 THE PRESIDENT: Colonel Warren.

4 MR. WARREN: Yes, sir. May we at this time
5 call to the witness stand the witness SAITO?

6 - - -

7 Y O S H I E S A I T O, recalled as a witness on
8 behalf of the defense, having been previously
9 sworn, testified through Japanese interpreters
10 as follows:

11 THE PRESIDENT: You are still on your former
12 oath.

13 MR. WARREN: May the witness be shown
14 defense document 2558?

15 DIRECT EXAMINATION

16 BY MR. WARREN:

17 Q Will you tell the Court whether or not the
18 paper which you hold in your hand is your affidavit
19 in this case?

20 A This is my affidavit.

21 Q Are the contents thereof true?

22 A Yes.

23 MR. WARREN: We now offer defense document
24 No. 2558 in evidence.

25 THE PRESIDENT: Mr. English.

1 MR. ENGLISH: The prosecution objects to the
2 last two sentences on page 3, being conclusions.

3 MR. WARREN: We will not offer that portion,
4 your Honor.

5 THE PRESIDENT: With that part omitted the
6 document is admitted on the usual terms.

7 CLERK OF THE COURT: Defense document 2558
8 will receive exhibit No. 3227.

9 (Whereupon, the document above
10 referred to was marked defense exhibit
11 No. 3227 and received in evidence.)

12 MR. WARREN (Reading): "I, SAITO, Yoshie,
13 of lawful age, being first duly sworn in accordance
14 with the usages and customs in my country, depose and
15 state as follows:

16 "I was born in 1880 and now live in Shoto,
17 Shibuya-ku, Tokyo. I attended the Tokyo Imperial
18 University and after graduation, entered the service
19 of the Foreign Office. I have been stationed as
20 diplomatic and consular attache in Peking and Tientsin,
21 China; was at one time Secretary of the Embassy in
22 Washington, D.C., under Ambassador SHIDEHARA. Later
23 I became Director of the Bureau of Commercial Affairs
24 of the Foreign Office, which position I resigned in
25 1926 to accept a position as a director of the South

Manchurian Railway Company, Ltd.

1 "In July, 1940, upon the formation of the
2 KONOYE Cabinet, by request of Foreign Minister
3 MATSUOKA, I became an advisor to the Foreign Office
4 and held that position until I resigned in July, 1941.
5 In May, 1941, I attended a cabinet meeting with
6 Premier KONOYE and Foreign Minister MATSUOKA. Other
7 cabinet ministers attended. At this meeting the ques-
8 tion of Japanese-American negotiations, which were then
9 in progress, was discussed. On this occasion I dis-
10 tinctly recall a speech made by the accused HIRANUMA,
11 Kiichiro, who was the then Home Minister. He stated,
12 and the theme of his speech was, that Japan must not
13 fight for any reason whatsoever. He gave as his
14 reasons that if a war were started between big powers,
15 it was highly probable, and almost inevitable, that
16 it would develop into a world-wide conflagration.
17 Once started, it was evident that such hostilities
18 would become a protracted war and no one could fore-
19 tell the damage and devastation which would be wrought
20 by the destructive forces of new weapons and scientific
21 devices and appliances which had been and were then
22 being developed. Undoubtedly untold damage would
23 accrue to the industries of all nations of the world
24 and the human race would be thrown into misery. He
25

1 also stated concerning the then present economic
2 conditions of the country, that he firmly believed
3 Japan would not be able to withstand or face a
4 protracted war. He spoke generally along these
5 lines for approximately thirty minutes in an impassioned
6 plea against war. I remember this speech of
7 HIRANUMA's particularly well because he was usually
8 a silent and reticent man, and it was most unusual
9 for him to speak at such great length."

10 You may cross-examine.

11 THE PRESIDENT: Mr. English.

12 MR. ENGLISH: There will be no cross-
13 examination.

14 MR. WARREN: May the witness be excused
15 on the usual terms?

16 THE PRESIDENT: He is excused on the usual
17 terms.

18 (Whereupon, the witness was excused.)

19 MR. WARREN: May we call the witness MURATA,
20 Goro?

21 Your Honor, you will find 2595 is ahead of
22 2424. This witness is brought here for the purpose of
23 identifying the document 2424 and they will be taken
24 together, sir.
25

- - -

1 G O R O M U R A T A, called as a witness on behalf
2 of the defense, being first duly sworn, testified
3 through Japanese interpreters as follows:

4 MR. WARREN: May the witness be handed
5 defense document 2595 and defense document 2424?

6 DIRECT EXAMINATION

7 BY MR. WARREN:

8 Q Will you examine document 2595 and tell
9 the Court whether or not that is your affidavit?

10 A This is mine.

11 Q And are the contents true?

12 A Yes.

13 Q Now will you examine defense document
14 No. 2424 and tell the Court, if you know, what that
15 document is? Just answer that question, if you will,
16 yes or no.

17 A I know this document.

18 THE PRESIDENT: Mr. English.

19 MR. WARREN: At this time, your Honor,
20 before asking him anything further about the docu-
21 ment or contents, I would like to ask a few more
22 qualifying questions. I find this affidavit is
23 probably not sufficient.

24 THE PRESIDENT: Tender the affidavit and
25 we will hear Mr. English's objection. I assume he
is going to make one.

1 MR. WARREN: I offer at this time defense
2 document 2595.

3 MR. ENGLISH: We object to this affidavit
4 because it is an attempt to certify as to the source
5 or authenticity of a document by merely stating that
6 it was prepared in a certain place,-- here it happens
7 to be a Section of the Public Peace of the Police Bureau
8 of the Home Ministry. It does not state that it is
9 part of the records of that office, or that it was
10 prepared by anyone in authority in the office.

11 As to the document referred to in the affidavit,
12 the prosecution will object to that document when it is
13 tendered.

14 MR. WARREN: Three questions, your Honor, as
15 I have indicated, will probably clear up every objec-
16 tion he has made.

17 Q Now, will you look at that document which
18 you have and which I refer to as defense document
19 2424, and tell the Court when that document was
20 prepared?

21 MR. ENGLISH: We object to that question,
22 your Honor. We think that it should have been stated
23 in the affidavit.

24 THE PRESIDENT: Mr. English, this appears --
25 to me, at all events, I haven't consulted my colleagues--

1 as being a very trifling objection. It is not the
2 type of objection we usually get here.

3 By cross-examination you may be able to
4 prove that this document should be regarded as not
5 being authentic.

6 The objection is overruled and the document
7 admitted on the usual terms.

8 CLERK OF THE COURT: Defense document 2595
9 will receive exhibit No. 3228.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 3228 and received in evidence.)

13 Q I refer the witness again to document 2424.
14 Will you tell the Court whether or not that is an
15 official Japanese Government document, and if so, in
16 what category it fits?

17 A This is an official document of the Home
18 Office. This document relates to the incident of
19 the attempted shooting of Baron HIRANUMA, and this
20 report was prepared between the 20th and 25th of
21 August. Following the drawing up of this document
22 it was circulated to all the chiefs of police through-
23 out the country.

24 MR. WARREN: Now at this time, your Honor,
25 we desire to offer in evidence defense document 2424,

1 which has been identified by this witness. We do not
2 desire to read very much of this document. We offer---

3 THE PRESIDENT: I understand it is to be,
4 objected to.

5 MR. WARREN: I do too. I want to finish my
6 presentation without--- briefly, the document refers
7 to the attempted assassination of the accused HIRANUMA
8 and states the reasons given by the attacker.

9 MR. ENGLISH: We object to the receipt of
10 this document because it is an attempt to prove that
11 someone tried to assassinate one of the accused. This
12 type of testimony has already been excluded by the
13 Tribunal by a ruling in the ARAKI case, and the docu-
14 ment itself is not dated, incomplete, does not show on
15 its face where it came from, whether it is an official
16 document or not, and it is merely conclusions and
17 opinions, and therefore should be rejected.

18 MR. WARREN: Your Honor---

19 THE PRESIDENT: It merely proves, or attempts
20 to prove what was thought of HIRANUMA by a would-be
21 assassin -- an obsessed assassin, as one of my
22 colleagues terms it. What probative value could that
23 have, Colonel?

24 MR. WARREN: Your Honor, this document relates,
25 among other things, that the person who was accused of

1 the assassination -- of the attempted assassination,
2 was a member of a rather sizeable organization --
3 apparently it was a rather sizeable organization.
4 The accused HIRANUMA is charged with conspiracy to
5 wage war -- aggressive war against the United States
6 and Great Britain, and with waging war. Now, we have
7 an attempted assassination by his own people because
8 they assert that he was pro-British and pro-American.
9 I certainly think that has probative value. Of course,
10 the Court may not agree with me, but that is the reason
11 we are offering it. I might state this: That there
12 are other documents which we are attempting to secure
13 which undoubtedly are better evidence than this, but
14 we have been unable to do so. The Tribunal granted us
15 a subpoena for those, but as SCAP has been unable to
16 locate -- at least, the persons we have talked with
17 were unable to locate the documents we need -- conse-
18 quently, this is our best evidence which we can produce
19 at this time.

20 THE PRESIDENT: By a majority, the objection
21 is sustained and the document rejected.

22 MR. WARREN: On this point I should like to
23 make a reservation and attempt to bring in this additon-
24 al evidence at a later time.

25 May the witness be excused on the usual terms?

THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

MR. WARREN: May the witness SHIOTA be
called?

- - -

D
u
d
a
&
S
p
r
a
t
t

1 H I R O S H I G E S H I O T A, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. WARREN:

6 Q May the witness be given defense document
7 2557 and the errata sheet to defense document 2557.—

8 Will you state your name and address to the
9 Tribunal, please.

10 A My name is SHIOTA, Hiroshige; my address,
11 No. 10 Yumi-cho, 1-chome, Bunkyo-ku, Tokyo.

12 Q Will you look at defense document 2557 and
13 the errata sheet which has been presented to you and
14 tell the Court if that is your affidavit and if it is
15 true as corrected by the errata sheet.

16 A This is my affidavit.

17 MR. WARREN: We now offer in evidence defense
18 document No. 2557.

19 THE PRESIDENT: Mr. English.

20 MR. ENGLISH: We object to the receipt of this
21 document, your Honor, for the reason that it is a narra-
22 tion of the doctor who treated HIRANUMA and has no
23 probative value, and is covered by the ruling on the
24 previous document.

25 MR. WARREN: It is not offered for that purpose

1 at all, your Honor. It is not covered by the previous
2 ruling. This document is offered to show that for
3 a period of time following this attempted assassination,
4 regardless of why the assassination was made, that the
5 accused HIRANUMA could not have been doing, because of
6 his physical condition, the things that the prosecution
7 accused him of. It states the seriousness of his
8 injuries. This is the doctor who attended him and who
9 states in his affidavit his condition and when he first
10 let him out.

11 THE PRESIDENT: What particular charge in the
12 indictment do you suggest it is relative to, having
13 regard to its date, August 1941?

14 MR. WARREN: I do not recall exactly. The
15 Imperial Conference is September 1941. Then, of course,
16 they charge him broadly, that he was continuing in the
17 conspiracy at that time; and liaison conferences, which
18 there seems to be evidence he attended, which he didn't
19 during that period.

20 THE PRESIDENT: Well, if he is charged with
21 having attended the liaison conference during that
22 period and there is evidence to that effect on the part
23 of the prosecution, this may be an answer to that, at all
24 events. But we suspect that the affidavit was not pre-
25 pared to meet such evidence; it is so detailed.

1 MR. ENGLISH: Your Honor, the prosecution will
2 concede that the accused HIRANUMA was incapacitated from
3 attending to official duties from 14 August 1941 to the
4 26th of November, 1941.

5 THE PRESIDENT: Well, that admission is as strong,
6 at least, as the affidavit on that matter.

7 MR. WARREN: That is right, sir, except that they
8 say the 26th instead of the 29th. I might be mistaken
9 about the date, but that is quite all right, and we will
10 not offer it.

11 THE PRESIDENT: You withdraw the affidavit?

12 MR. WARREN: Of course, your Honor.

13 May the witness be excused on the usual terms?

14 THE PRESIDENT: He is released accordingly.

15 (Whereupon, the witness was excused.)
16
17
18
19
20
21
22
23
24
25

1 MR. WARREN: May the witness OKADA, Keisuke,
2 be called.

3 MARSHAL OF THE COURT: Mr. President, the
4 witness is in court and will now be sworn.

5 THE PRESIDENT: Has this witness given evi-
6 dence before, Colonel?

7 MR. WARREN: Yes, I think he has.

8 MARSHAL OF THE COURT: Mr. President, I am
9 in error. The witness has previously testified before
10 this Tribunal.

11 MR. WARREN: Yes, he testified for the prose-
12 cution.

13 THE PRESIDENT: He is Admiral OKADA, former
14 Prime Minister?

15 MR. WARREN: Yes, sir.
16
17 - - -
18
19
20
21
22
23
24
25

1 KEISUKE OKADA, recalled as a witness on
2 behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 THE PRESIDENT: You are still on your former
6 oath.

7 MR. WARREN: May the witness be handed
8 defense document No. 2535.

9 DIRECT EXAMINATION
10 BY MR. WARREN:

11 Q Is that document which you hold in your hands
12 your affidavit, and are the contents true?

13 A Yes.

14 MR. WARREN: Your Honor, we now offer in evi-
15 dence defense document No. 2535.

16 THE PRESIDENT: Mr. Chief of Counsel.

17 MR. KEENAN: Mr. President, objection is made
18 to this portion of the document, the language of the
19 affidavit, appearing near the middle of page 7, begin-
20 ning with the words "From these many discussions"
21 through the words "On the Contrary" in the second line
22 from the bottom of the page, with the exception of
23 the statement, "SUZUKI had served the Emperor as his
24 Lord Chamberlain for a great length of time."

25 The ground of that objection is that the

1 statements are expressions of opinions and conclusions
2 of the witness.

3 Objection is made to the language appearing
4 on page 8 of the affidavit beginning with the words
5 "His reasons" and extending through the second line
6 on page 9.

7 The ground of the objection is that the
8 statements are expressions of opinions and conclusions
9 of the witness, as the previous objection.

10 Objection is made to successive sentences
11 in the indicated part of the affidavit beginning with
12 the words "HIRANUMA knew"; "He knew"; "He also realized";
13 "He further realized"; "He knew"; "He also realized";
14 "The views of the allied statesmen."

15 Objection is made to the last paragraph in
16 the affidavit dealing with the alleged attempted
17 assassination on August 15, 1945. Objection is based
18 upon two grounds. First, the only purpose for the
19 introduction of such evidence is to elicit opinions
20 and conclusions regarding the views of the accused.
21 The would-be assailants would not be permitted to
22 testify directly on such matters, and it is submitted
23 for the same reason this evidence should be rejected.

24 There are other parts of the affidavit,
25 Mr. President, we think are objectionable where the

1 views of the accused could be more directly presented,
2 but we will not press them.

3 THE PRESIDENT: We will hear you after the
4 recess, Colonel.

5 We will recess for fifteen minutes.

6 (Whereupon, at 1445, a recess was
7 taken until 1500, after which the proceedings
8 were resumed as follows:)

9 MARSHAL OF THE COURT: The International
10 Military Tribunal for the Far East is now resumed.

11 THE PRESIDENT: Colonel Warren.

12 MR. WARREN: If the Tribunal please, with
13 reference to the objection made by the prosecution
14 to the last paragraph on page 9, I am agreed with the
15 prosecution that that paragraph may be stricken and
16 I will not offer it.

17 THE PRESIDENT: That is the last paragraph.

18 MR. WARREN: Just the last paragraph.

19 However, with reference to the rest of the
20 objections, this witness is here testifying from his
21 own personal knowledge. The affidavit shows that
22 throughout all this period of time he was intimate
23 with the accused HIRANUMA and by his mere association
24 he would be bound to know the feelings of the accused
25 HIRANUMA because they acted in concert.

1 With reference to the statement that the
2 accused HIRANUMA knew in common with statesmen of
3 other nations that the Emperor might -- should be
4 retained in some respect, I should like to point out
5 to the Tribunal that that is such a matter of common
6 knowledge that the Tribunal could take judicial notice
7 of it, that these statesmen did hold that opinion.

8 We feel the credibility of the witness could
9 be attacked on cross-examination much better than
10 attempting to make little deletions here and there as
11 has been suggested.

12 THE PRESIDENT: By a majority the objections
13 are sustained and the document admitted on the usual
14 terms as to the extent of the unobjected parts, the
15 parts not objected to.

16 CLERK OF THE COURT: Defense document 2535
17 will receive exhibit No. 3229.

18 (Whereupon, the document above referred
19 to was marked defense exhibit No. 3229 and received
20 in evidence.)

21 MR. WARREN: Your Honor, will you be kind enough
22 to assist me and stop me on those objections? I went
23 over the with the prosecutor and I marked them. I am
24 not certain they are correct, though.

25 "I, Keisuke, OKADA, of lawful age, being first

1 duly sworn in accordance with the customs of my
2 country, depose and state:

3 "I was born in Fukui Prefecture, Japan, in
4 1868. I graduated from the Naval Academy in 1889,
5 became an Admiral in 1924 and remained in the Japanese
6 Navy until 1933. I was appointed as Prime Minister of
7 Japan in July of the following year, 1934.

8 "In February, 1936, following the so-called
9 'February 26th Incident', I resigned my post as Prime
10 Minister. From some time in 1940 up until the acceptance
11 of the Potsdam Declaration by Japan I attended many
12 meetings of the 'Jushin' or Elder Statesmen. I was
13 present at the meeting of the Elder Statesmen which was
14 held on 29 November 1941. This meeting, instead of being
15 called in the usual manner by the Lord Chamberlain at
16 the request of the Emperor, was convened upon the
17 request of the Premier and the Imperial Palace was
18 designated as the place of assembly. There were two
19 sessions, one in the forenoon and one in the afternoon.
20 At the morning session we heard the Premier and Cabinet
21 Ministers speak upon the then current diplomatic and
22 political situation. It was explained to us that the
23 negotiations between Japan and the United States had
24 reached an impasse and while the speakers did not say
25 so in so many words, it was evident that the Government

1 felt war between the nations was inevitable; that
2 the situation which had developed and which was
3 developing would make war unavoidable. The Premier
4 did not state that the Government had decided at that
5 time to go to war and the members of the government
6 did not attempt to persuade us in support of war.
7 However, each Elder Statesman asked questions of the
8 Ministers who were present. To the questions they
9 replied that the position of the Government would be
10 well understood if the factual grounds were shown and
11 if they could disclose and cite figures which they
12 had, but which they stated they could not disclose since
13 they were State secrets. None of the Elder Statesmen
14 supported or encouraged war, especially WAKATSUKI,
15 KONOYE, HIRANUMA and I. Without any previous consulta-
16 tion or deliberation we urged the Government to
17 reconsider the matter very carefully and to proceed
18 with extreme caution in any matter which might bring a
19 about hostilities. We all expressed negative opinions.

20 "After the morning session we were given a
21 luncheon by the Emperor and after we had finished our
22 meal, each of us submitted our dissuading opinion to
23 the Throne.

24 "It may have been, although I do not exactly
25 recall, that one of the Elder Statesmen present made

1 a statement to the effect that the matter would have
2 to rest in the hands of the Government. It was called
3 to my attention that this statement was alleged to
4 have been made. I do not recall who the person was
5 making such a statement, if it were made, but I do
6 know it was not HIRANUMA. Inasmuch as we were not told
7 that the Government had decided upon war, and as we
8 were not informed of the grounds which were based upon
9 the figures which the members of the Government told us
10 were being treated as State secrets, we had no
11 opportunity to go into the matter deeply. Because of
12 lack of exact information, which was withheld from us
13 for the reason mentioned, we had to confine ourselves
14 to the expression of negative and dissuading opinions.

15 "With reference to the views expressed by the
16 Premier that Japan would be strangled gradually and
17 slowly, I warned that the country must not be driven
18 to a sudden crash, which, in my opinion, would be far
19 worse than the slow strangulation which the Premier
20 feared. This opinion was concurred in completely by
21 Baron HIRANUMA. The opinions submitted by the Elder
22 Statesmen to the Throne at the noonday luncheon were
23 but a reiteration of the views expressed in the morning
24 session by the Premier and Cabinet Ministers. The
25 great majority of us, including Baron HIRANUMA, were

1 not satisfied with the explanations given by the
2 Governmental authorities and having deep concern for
3 the future welfare of the nation, we stated that the
4 Government must handle the matter with utmost caution.
5 Although our presence before the Throne was for a
6 comparatively short time, we spent the entire after-
7 noon until dusk with the Government officials. However,
8 their attitude did not change and our attitude did not
9 waver in the least, and we parted with absolutely no
10 premonition that within less than ten days the attack
11 on Pearl Harbor would have been made. The Elder
12 Statesmen who attended this conference were WAKATSUKI,
13 KONOYE, HIRANUMA, YONAI, HIROTA, HAYASHI, ABE and myself.
14 The then Lord Keeper of the Privy Seal, Marquis KIDO,
15 was present at the luncheon given by the Emperor and the
16 talk which followed immediately, but did not attend
17 either session of the conference.

18 "After the outbreak of the war, and in its
19 early stages, Japan met with many victories. However,
20 as the war progressed the situation changed and the
21 conditions for Japan went from bad to worse until in
22 1943 WAKATSUKI, KONOYE, HIRANUMA and I, who had always
23 been opposed to the idea of war, agreed among ourselves
24 that this war must be brought to an end by whatever
25 means possible. With this objective in mind, we four

met frequently. In the beginning the houses of
1 Prince KONOYE in Mejiro and Ogikubo were used as
2 meeting places, but this became too dangerous because
3 of increasing air raids, and we rented a room in the
4 Dai Ichi Sogo Building, now occupied by the Supreme
5 Command, Allied Powers. HIRANUMA or I acted as
6 Secretary of the group. We resolved among ourselves that
7 the first step necessary was to introduce into the
8 Cabinet a man who was opposed to war. We selected
9 Admiral YONAI as the most likely candidate, and en-
10 deavored to secure an appointment for him. We went to
11 great lengths to create occasions when we could meet
12 and talk with the Premier in order to accomplish our
13 end, but we were eventually unsuccessful in getting
14 Admiral YONAI into the Cabinet. It is true that a
15 position was offered to him without portfolio, but
16 this could not have accomplished our ends, and we sought
17 to have him appointed as Navy Minister, but to this
18 proposition, as previously stated, the government would
19 not agree.
20

21 "Later it became apparent that there was unrest
22 and dissatisfaction with the Cabinet in various circles.
23 This dissatisfaction was expressed in various quarters
24 of the country. We became imbued with the idea that
25 the Cabinet could not cope with the situation and on

1 July 17, 1944, WAKATSUKI, KONOYE, HIRANUMA and I met
2 at the home of HIRANUMA to discuss the situation. We
3 were later joined by other Elder Statesmen who took
4 part in the discussion. As a result of this discussion
5 we arrived at a conclusion which we put into writing,
6 as follows:

7 "In order to find our way through the current
8 difficult situation, it is necessary to renew the
9 popular mind. All people must rely and cooperate to
10 build a powerful national Cabinet, which will surge for-
11 ward unswervingly. A partial reorganization of the
12 Cabinet will not be of any use."

13
14
15
16
17
18
19
20
21
22
23
24
25

1 "This resolution was passed because it was
2 apparent that the Cabinet had lost its popular appeal
3 and we were of the opinion that it was necessary to
4 retire the Cabinet in order to bring the war to an
5 end. I handed this resolution personally to the
6 Lord Keeper of the Privy Seal, Marquis KIDO, at his
7 official residence, and reported to him what had
8 happened in the meeting. The following day, July
9 18th, the Cabinet resigned en bloc and on the same
10 day an Elder Statesman's meeting was convened for the
11 purpose of recommending a head of the succeeding
12 Government. At this meeting HIRANUMA was present and
13 he pointed out that the Army had lost the peoples'
14 support and that further military interference with
15 various spheres of national life was not advisable.
16 Prince KONOYE suggested SUZUKI, Kantaro, as the head
17 of the succeeding Cabinet, and HIRANUMA supported his
18 recommendation strongly. He praised SUZUKI's person-
19 ality and stated he felt him eminently fit to hold the
20 position. Eventually however, General KOISO was
21 recommended.

22 "After the meeting WAKATSUKI, KONOYE, HIRANUMA
23 and I conferred and KONOYE went to the homes of all the
24 remaining Elder Statesmen to get their agreement, and
25 to make arrangements so that the Emperor's order for

1 the formation of the new Cabinet would be given to
2 KOISO and YONAI jointly, appointing YONAI to the
3 Navy Ministry. Such an Imperial Order was without
4 precedent but Prince KONOYE succeeded in his task.
5 This arrangement of having YONAI appointed to the
6 Navy Ministry was in order to insure a man in the
7 Cabinet who was opposed to war. At the Elder States-
8 men's meeting which was convened on April 5, 1945, at
9 the time the KOISO Cabinet resigned, HIRANUMA succeed-
10 ed this time in recommending SUZUKI, Kantaro, as the
11 next Prime Minister. Inasmuch as SUZUKI was a
12 relative of mine, I refrained from taking any part in
13 the matter, but did undertake the task of persuading
14 him to give his consent to the acceptance of the post.
15 HIRANUMA had long been in favor of SUZUKI and in those
16 days, as I previously stated, the four of us, i.e.,
17 WAKATSUKI, KONOYE, HIRANUMA and myself, met frequent-
18 ly to discuss measures which should be taken because
19 of the seriousness of the situation. From these many
20 discussions I --"

21 THE PRESIDENT: That is out.

22 MR. WARREN: That is out.

23 THE PRESIDENT: "SUZUKI had served the
24 Emperor --"

25 MR. WARREN: "SUZUKI had served the Emperor

as his Lord Chamberlain for a great length of time --"

1 THE PRESIDENT: And, he cannot say, "and
2 knew his wishes and thoughts."

3 MR. WARREN: Yes, sir.

4 "HIRANUMA felt --"

5 THE PRESIDENT: No. We are not allowing this
6 witness to tell us what HIRANUMA thought or felt.

7 MR. WARREN: I am trying to find it here.

8 THE PRESIDENT: Go down to, "On the contrary."

9 MR. WARREN: "On the contrary, he stated in
10 substance that the country needed a man --"

11 Your Honor, to knock that out entirely changes
12 the whole content of this man's entire testimony, I'm
13 afraid. I hadn't noticed it until just now. I am not
14 certain about that, but I am merely calling it to your
15 attention.
16

17 THE PRESIDENT: Well, go over to the last
18 page; start on the first completed paragraph.

19 MR. WARREN: Your Honor, on page 7, this is
20 a definite statement of fact. Perhaps it will
21 straighten the thing out. I don't know whether the
22 Tribunal will be inclined to consider it or not.
23 Starting with the word, "However," on page 8, the
24 fifth line up, that is stating a fact.
25

THE PRESIDENT: But, again, that refers to the

1 reasons which are just stated.

2 MR. WARREN: Well, you see, the position I
3 am in is that the prosecution introduced evidence to
4 show what his motives were, and to knock out this
5 other testimony here and to put in what the prose-
6 cution wanted left is putting words in this witness'
7 mouth which are not true and binding us in that very
8 situation. That is what we are combating.

9 MR. KEENAN: Mr. President, I thought the
10 Court had ruled upon this, but if it is subject to
11 reopen, I would like to make our position clear.

12 There is a manner in which the defense can
13 present the evidence in this case, but what was in the
14 accused's mind, it shouldn't be through other individ-
15 uals; telling the state of mind of the accused.

16 THE PRESIDENT: He can only state what
17 HIRANUMA said.

18 MR. WARREN: If I may skip that and go to
19 page 9, and then if the Court will permit me to ques-
20 tion this witness, I think he will testify that
21 HIRANUMA told him that. I am not certain, but I will
22 question him about it.

23 THE PRESIDENT: You need not rely on that
24 part, or read that part, Colonel.

25 MR. WARREN: That is the reason I raised the

1 question, your Honor.

2 Skipping to page 9:

3 (Reading continued)

4 "On 9 August 1945 The Supreme Conference for
5 the Direction of War was convened in the Imperial
6 Palace before the Throne to discuss and decide
7 whether Japan should accept the terms of the Potsdam
8 Declaration. At that time HIRANUMA was the President
9 of the Privy Council and was not a regular member of
10 the conference but did attend on this occasion by
11 special request of the Emperor. At this conference --"

12 Wait a minute. Am I reading something you
13 knocked out?

14 "At this conference HIRANUMA supported the
15 opinion that Japan should accept the Potsdam Declar-
16 ation. Perhaps I should state at this point that I
17 was not present at the conference, but I do know
18 personally that HIRANUMA attended and I learned of
19 his position from conversations held with him and
20 other persons who were present. At the end of this
21 conference the Emperor approved the acceptance of the
22 Potsdam Declaration and Japan's surrender was decided
23 upon."

24 Your Honor, will the Tribunal indulge me in
25 direct questioning of this witness to clear up the

1 matter which --

2 THE PRESIDENT: You may put a few further
3 questions in examination in chief.

4 BY MR. WARREN (Continued):

5 Q Admiral, were you present at the Elder States-
6 men's meeting held on April 5, 1945?

7 A Yes, I attended the meeting.

8 Q Was this the meeting where SUZUKI was
9 recommended for the Prime Minister?

10 A Yes.

11 Q Prior to this meeting, had you had any con-
12 versation with the accused HIRANUMA concerning the
13 appointment of SUZUKI or the prospective appointment
14 of SUZUKI as Prime Minister?

15 A HIRANUMA strongly advocated the appointment
16 of SUZUKI as the next Prime Minister.

17 Q I understand, Admiral. But, did you have a
18 conversation with him about the appointment?

19 A Yes, I had.

20 Q In that conversation, did Baron HIRANUMA tell
21 you the reason that he thought SUZUKI would make a good
22 Prime Minister?

23 A Yes, I heard the reason.

24 Q Will you tell the Tribunal what those reasons
25 were that he advanced to you?

1 A The reasons as set forth by Baron HIRANUMA
2 to me were that the next Prime Minister must be a
3 statesman who would be able to lead the nation in
4 order to keep, in some form, the basis of Japanese
5 national political life, that is to say, retain in
6 some form the fundamental structure and character of
7 the Japanese State, for if that basis were destroyed
8 then Japan would have to fight to the last man; and
9 a man of considerable leadership who could preserve
10 the nation intact was found necessary. That was
11 HIRANUMA's reasoning.

12 MR. WARREN: Now, may the witness be handed
13 defense document No. 2423?

14 (Whereupon, a document was handed
15 to the witness.)

16 Q Do you know what that document is that you
17 hold in your hand?

18 A Yes, I do, very well.

19 Q What is it?

20 A This is a letter which I sent to KONOYE.

21 MR. WARREN: At this time, if it please the
22 Tribunal, we offer in evidence defense document No.
23 2423, but we do not desire to read it. We just merely
24 offer it as real evidence of the fact that these
25 negotiations, which he testified about, were going on

1 at this time.

2 THE PRESIDENT: As it is a short document,
3 you ought to read it. Otherwise, the Judges will
4 have to go to the trouble of looking it up.

5 MR. WARREN: Oh, I am sorry.

6 THE PRESIDENT: It is admitted on the usual
7 terms.

8 CLERK OF THE COURT: Defense document 2423
9 will receive exhibit No. 3230.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 3230 and received in evidence.)
13
14
15
16
17
18
19
20
21
22
23
24
25

K
n
a
p
p
&
K
a
p
l
e
a
u

1 MR. WARREN: I will omit the formal parts,
2 and so forth.

3 (Reading) "Dear Prince:
4 "The heat is almost unbearable, but I trust
5 your Excellency is in good health. The present situation
6 is truly grave and the future of our country greatly
7 concerns us all. I think that it is the duty of the
8 Elder Statesmen to intimately talk with Prime Minis-
9 ter and other Ministers concerned, so I propose that
10 in order to express our gratitude for the invitation
11 which we have received so often, you, Baron HIRANUMA,
12 and myself propose to invite Prime Minister TOJO,
13 Minister SUZUKI, Finance Minister KAYA, Great East
14 Asia. Minister AOKI and Foreign Minister SHIGEMITSU
15 to luncheon at noon on August 30, Monday, at the Peers
16 Club and that the hosts be chairman of Privy Council
17 HARA, Baron WAKATSUKI, Baron HIRANUMA, Your Excellen-
18 cy, Admiral YONAI, Mr. HIROTA, General ABE and my-
19 self. If you agree to the plan I shall be glad to
20 make all arrangements, so please answer by telegram."

21 The prosecutor asked me to state the date of
22 this. It is August 13, 1943.

23 THE PRESIDENT: Mr. Chief of Counsel.
24
25

CROSS-EXAMINATION

1
2 BY MR. KEENAN:

3 Q Admiral, weren't the Genro the group of dis-
4 tinguished Japanese who brought about the MEIJI Res-
5 toration?

6 A Yes, that is so.

7 Q And they held, did they not, a special posi-
8 tion of reverence and standing in Japan from that time
9 on?

10 A Yes.

11 Q And it became the duty of the Genro, did it
12 not, as a matter of tradition and practice, to recommend
13 to the Throne the succeeding premiers at the termina-
14 tion of each cabinet?

15 A Yes.

16 Q And as these distinguished Japanese citizens
17 died their places were not taken by any other persons?

18 A If there were no proper persons they were not
19 nominated.

20 Q I think you do not understand me. I mean,
21 as the members of the Genro who caused the establish-
22 ment of the Restoration passed away, there was no other
23 means of succession, is that correct?

24 A Yes, exactly as you say.

25 Q The last Genro was Prince SAIONJI?

1 A Yes.

2 Q He died in November of 1940, is that not
3 correct?

4 A Yes.

5 Q And prior to that time it was well known,
6 was it not, that he had gathered information from
7 various sources to enable him to make his recommenda-
8 tions, when the time arrived, to the Emperor, and that
9 was his function, well understood and accepted by
10 practically all the people of Japan?

11 A Yes.

12 Q Now, the term "Senior Statesmen" that has
13 been referred to -- did that organization not consist
14 of the former Prime Ministers and the President of
15 the Privy Council?

16 A Yes.

17 Q And they were first called into organization
18 and began to function at the time of the selection
19 of the Prime Minister for the second KONOYE Cabinet
20 on or about July 22, 1940, was that not correct?

21 A Yes.

22 Q And at that time is it not true that Genro
23 Prince SAIONJI, having been somewhat advanced in years,
24 was likewise ill and it was found necessary to provide
25 some plan for the continuance of that Genro function

1 in making recommendations to the Emperor for the succeed-
2 ing head of the cabinet or Prime Minister?

3 A Yes.

4 Q And wasn't a plan evolved that the function
5 of the Genro when the Genro ceased to exist, that is,
6 on the death of Prince SAIONJI, should be performed
7 by the Lord Keeper of the Privy Seal, who should advise
8 with the Senior Statesmen, and was that not a plan
9 evolved by and approved by the Senior Statesmen them-
10 selves, and did it not become a practice?

11 A Yes.

12 Q Did not the accused KIDO have to do with work-
13 ing out that plan?

14 A I don't know whether he had much of a rela-
15 tionship with this matter.

16 Q The second meeting of the Senior Statesmen
17 had to do with the selection of the Third KONOYE Cabi-
18 net Prime Minister, did it not?

19 A Yes.

20 Q And the third function of the Senior States-
21 men had to do with the selection of the war cabinet
22 Prime Minister, the accused TOJO?

23 A Yes.

24 Q Now, in order to perform these functions
25 faithfully and efficiently, was it not necessary that

1 the Senior Statesmen be well and completely and accu-
2 rately informed on the vital matters affecting Japan
3 as a nation and the international problems of Japan?

4 A I think that was highly necessary.

5 Q And unless that was done, Admiral OKADA,
6 would not the meeting of the Senior Statesmen amount
7 to a mere gesture, without meaning, a fraud upon some-
8 one?

9 A To some extent that information was imparted
10 to us by the Lord Keeper of the Privy Seal.

11 Q I have reference, Admiral, more to the in-
12 formation that was possessed by the cabinet. Was it
13 not necessary for the functioning of the Senior States-
14 men that it be possessed by them before they advised
15 with the Emperor?

16 A Yes, that is so.

17 Q Now coming to the specific meeting of the
18 Senior Statesmen to which you refer in your testimony,
19 that of 29 November 1941, was that meeting at the in-
20 stance of the Emperor? Do you know?

21 A This meeting was not -- I think was held with
22 the consent of the Emperor, but it was not sponsored
23 or brought about by the Grand Chamberlain.
24
25

1 Q Well, you would not have been there unless
2 the Emperor wanted to know your views, would you?

3 A Yes.

4 MR. KEENAN: Well, now, that is a difference
5 in Oriental and Occidental expressions. Yes means
6 what?

7 THE INTERPRETER: Agreement with your ques-
8 tion.

9 Q Was not this the only time that the Senior
10 Statesmen had ever been called into a meeting, or
11 called upon to function on any occasion other than the
12 selection of a Prime Minister, and did not this of
13 course give that meeting a special and important
14 significance?

15 A Yes, that is so.

16 Q And was it not understood by you, Admiral,
17 and the other former Prime Ministers and President
18 of the Privy Council that it was one of the most
19 important occasions in the history of modern Japan
20 that you were to consider and discuss?

21 A Yes.

22 Q And were you not called upon, first, to
23 confer with the Cabinet and deliberate among yourselves
24 and with the Cabinet so that you, as the Senior States-
25 man, could faithfully and efficiently give your

1 advice to the Emperor of Japan at this, perhaps its
2 most fateful period in its entire history?

3 A Yes.

4 Q And regardless of what was learned at that
5 meeting or what you all knew beforehand, was it not
6 well known to everyone present that there was grave
7 danger of war breaking out with the United States,
8 Great Britain, the Netherlands, and Japan?

9 A Yes.

10 Q And, Admiral, is it not a fact that you were
11 in the Navy and, I believe, on the ship the "Admiral
12 TOGO" at the time of the Russian-Japanese War?

13 A That was at the time of the Sino-Japanese War.

14 Q And did you take part in the Japanese-
15 Russian naval engagement in that war? If you did not,
16 you heard about it.

17 A I participated.

18 Q And you learned, then, did you not, that war
19 could break out with Japan attacking very, very
20 suddenly, did you not?

21 A I do not know anything about that.

22 Q Do we understand, Admiral, that you and the
23 other former Prime Ministers at this critical period,
24 at this meeting on November 29, 1941, earnestly, per-
25 sistently sought information from the Cabinet upon

1 which to form judgment so that advice could be given
2 to the Emperor, and that this information was refused
3 on the ground that these matters concerned state
4 secrets that could not be properly conveyed to you
5 and to Admiral YONAI, and to HIRANUMA, and HIROTA, and
6 KONOYE, and one or two others?

7 A State secrets were not disclosed at that
8 time.

9 Q Did you ask for information and have it re-
10 fused on the ground that it was state secret, that it
11 could not be disclosed to this body of Senior States-
12 men being prepared to advise the Emperor within a few
13 hours?

14 A Yes.

15 Q Was there any reason that you know of that
16 justified the refusal of the Cabinet to trust its
17 former Prime Ministers and the President of the Privy
18 Council when they were seeking information upon which
19 to advise the Emperor at this very critical time in
20 Japan's history?

21 MR. WARREN: I should like to object, your
22 Honor. The prosecution has introduced evidence it-
23 self which shows that the men in this category were
24 the highest, and could advise the Emperor or his high-
25 est council but they could not interfere with the

1 executive.

2 THE PRESIDENT: The reason has already been
3 given for that in evidence, but there is no reason
4 why it should not be sought again from the Admiral.

5 The objection is overruled.

6 Q Do you know which, or how many of the Senior
7 Ministers or the President of the Privy Council were
8 not trusted by the TOJO Cabinet?

9 A I do not know.

10 Q Could it be that they did not wish to have
11 the real information transmitted by you within a few
12 hours to the Emperor if you found out what it was?

13 MR. WARREN: Your Honor, we object. That
14 question is hypothetical, it is speculative, and it
15 calls for a conclusion of the witness.

16 THE PRESIDENT: Mr. Keenan is at liberty to
17 get from him whatever reason he knows of, and that
18 cannot be by guessing what is in the minds of others
19 but judging from what they told him.

20 MR. KEENAN: I assume the witness, Mr.
21 President, will not give any information unless he
22 thinks he possesses it fairly accurately.

23 THE PRESIDENT: The question is objectionable
24 in that form, but you can ask him whether he knows of
25 any reason.

1 MR. KEENAN: Mr. President, I would like to
2 ask the question of the witness, if he knows of any
3 reason, including attempting to keep the real infor-
4 mation away from the Emperor, why the information
5 was not given to these men of high position in the
6 Japanese Government and life.

7 I would like to substitute another question,
8 your Honor, that I think can bring it out quickly.
9 Just one more question.

10 THE PRESIDENT: Well, you will not finish
11 with him tonight, Mr. Keenan.

12 MR. KEENAN: This one question I would like
13 to finish, your Honor. It is just a short one.

14 Q Were you able to find, Admiral, when you
15 talked with the Emperor -- you and the other Senior
16 Statesmen -- shortly after you were refused this
17 information from the Cabinet, whether that information
18 likewise had been withheld from the Emperor?

19 A I do not know.

20 THE PRESIDENT: We will adjourn until half-
21 past nine tomorrow morning.

22 (Whereupon, at 1600, an adjourn-
23 ment was taken until Thursday, 25 September
24 1947, at 0930.)
25

- - - -